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ABSTRACT

Despite extensive legislation on the subject, more than 44,000 (40%) of the limited-English proficient (LEP) students in New York City are not receiving the legally required language instruction due to them, and only 30% of entitled students receive the full bilingual instructional program that is prescribed by law. Entitled LEP students constitute 14% of all district students and 10% of all high school students. Seventy-two percent of entitled students speak Spanish, while five other language groups make up another 20%. Funding for LEP programs in New York City schools was more than $62 million in 1985 from non-city sources alone, with the growth in funding increasing 14-fold since 1974; however, fund allocation does not reflect this financial input. Only approximately 4% of the licensed teaching staff is bilingual and is expected to serve 12% of all students who are bilingual. LEP services are limited and in many instances in flagrant violation of existing mandates. Recommendations for improving this situation include the creation of a plan with the following precepts: (1) expand the number of magnet bilingual programs in the districts so that there is one for each major language group at each level per district; (2) expand the number of high schools offering full bilingual programs; (3) enforce compliance with the requirement that every entitled student receive ESL instruction; (4) recruit adequate numbers of bilingual teachers and provide training for out-of-license teachers; and (5) track expenditures to insure that all funds meant for LEP services are used for that purpose in a manner consistent with their governing regulations. (CG)

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TEN YEARS OF NEGLECT:

The Failure to Serve Language-Minority Students

in the

New York City Public Schools

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TEN YEARS OF NEGLECT:

The Failure to Serve Language-Minority Students in the New York City Public Schools

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INTRODUCTION

Whatever the disagreements among those taking part in the current debate over the best method of educating students whose dominant language is not English, they all agree to at least one basic assumption: regardless of the specific pedagogical approach, all language-minority students require special supplemental education services if they are to learn English, reap the full benefits of their schooling, and enter the mainstream of American life. This assumption has been made explicit in numerous legal documents: in the federal Civil Rights Act and education laws; in a 1974 U.S. Supreme Court decision, Lau v. Nichols; in the New York State Education Law; and in a Consent Decree between the New York City Board of Education and ASPIRA of New York signed under order of the U.S. District Court in 1974.[1] However, despite the absolute nature of all these mandates and ten years of enforcement efforts, this report will show that New York City schools are still not providing any legally-required language instruction to more than 44,000 limited-English proficient students, almost 40 percent of all those entitled to services. Furthermore, only 30 percent of entitled students receive the full bilingual instructional program

that is prescribed by law. Of those that are not in full programs, more than two-thirds were never offered the opportunity to participate in a full program, even if they were willing to transfer to another school to do so.

How such a situation, which is in flagrant violation of both law and basic human rights, can be allowed to exist, unchecked by government authorities at all levels, is beyond the comprehension of the members of the Educational Priorities Panel, which is issuing this report. As the Supreme Court stated in 1974, when it established that these students were protected by Title VI of the Civil Rights Act of 1964,

> "Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills, is to make a mockery of public education."[2]

Hardly a governmental or educational body emerges from this report unscathed. Federal support for New York City bilingual education programs has declined by 20 percent since 1982 and today funds less than five percent of New York City schools' bilingual staff. Furthermore, the Secretary of Education recently announced his intention to weaken federal requirements for these programs. New York State, on the other hand, has dramatically increased its financial support, but it has failed to put teeth into its regulations, and its monitoring and enforcement efforts have been feeble. The city's tax-levy allocations for non-instructional* services for

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* City funds for basic instructional services for these students cannot be separately tracked.

language-minority students have not kept pace with rising costs and increasing numbers of entitled students. In addition, despite the recent growth in many central administration offices at school headquarters as the fiscal crunch has receded, the Office of Bilingual Education staffing level remains fairly stable, with only six persons assigned to monitoring compliance in more than 900 schools. Furthermore, there is absolutely no tracking of the total amount of city funds used for language services or how they are used.

What is the result of this unconscionable failure to provide even minimal services to so many children? (It should be noted that we address here only legally-mandated services, and not other services such as special guidance or access to other special programs which may be necessary to help these students cope.) Without a doubt, the 12 percent of the school population that is limited-English-proficient (LEP) contributes a disproportionate share to the city's 42 percent dropout rate; Hispanics, for example, who represent more than three-quarters of the city's LEP students, drop out at almost twice that rate. Almost ten percent of students who are deficient in English have been in an English-language school system four years or more. And perhaps most ironically of all, about half of those who enter the school system deficient in both English and Spanish, eventually lose their Spanish skills and gain no skills in English.

The Educational Priorities Panel undertook this study based upon its commitment to assure an equal and appropriate educational opportunity to all students. The study addresses two basic questions: Who receives special language services, and how much money is spent

for what services? It does not attempt to evaluate the nature, quality or effectiveness of the programs, though such a study is clearly necessary. It merely seeks to establish whether the federal, state and city governments and the city Board of Education are meeting their minimum legal and moral responsibilities to language-minority students. Tragically, the answer to that in too many cases is, "No!"

There is another twist to this sorry story which is only partially revealed in this report. Language instruction, like most other educational programs in New York City, is a decentralized operation; that is, the 32 community school districts have some autonomy in determining curriculum and school organization. However, naturally, they are subject to the same laws and court orders that govern the central Board of Education, and they must comply with federal and state regulations regarding the use of special-purpose funds. In addition, the central Board may also earmark certain funds for particular purposes.

In the aggregate, it seems clear that the city is reserving city and state supplementary funds for supplementary services. However, there is serious doubt whether all the districts are doing so. While the districts together support almost two-thirds of bilingual staff with basic city tax-levy funds, this level varies dramatically from 0 to 100 percent among the districts. Four districts use non-city funds to support 90 percent or more of their staff, making it doubtful that they could be providing adequate services or meeting the supplemental requirements of federal and state funds.

More serious than the improper use of funds, basic compliance with legal requirements to provide special services to LEP students varies tremendously among the districts. Seven districts account for more than half of all students receiving no language program at all, while eight districts have managed to serve to some extent at least 95 percent of their students. Similarly, while 34 percent of all entitled students in all districts are in full bilingual programs, the range is from 0 to 61 percent, making it apparent that some districts have made little effort to provide services. While districts are free of legal obligation to provide a full bilingual program if there are fewer than 25 children in two contiguous grades in a school, they are directed by the Chancellor's regulations to create consolidated magnet programs where possible. Some districts are clearly not meeting this obligation. Furthermore, by law, even when a full bilingual program is unavailable or refused by the parent, every entitled child must receive certain minimal services, including English-as-a-Second-Language instruction. There is no legal excuse for failure to provide this service. However, almost 10,000 entitled students identified by the districts (plus 3,000 in the high schools) receive no ESL, and close to another 30,000 entitled students are not even recognized, much less served, by the local schools. Similarly, the lack of any bilingual services in 24 high schools, and the concentration of LEP students in the zoned high schools raise serious questions about discrimination in high school admissions. This entire issue requires much more investigation.

Another excuse frequently proffered by the school system for the admitted shortcomings of LEP services is the shortage of qualified

staff. Undoubtedly, this is a problem, but, once again, the shortage of staff is not a legally acceptable excuse for failure to provide all appropriate services. Nevertheless, the facts are startlingly clear. There are enough licensed bilingual teachers to provide full services to only 57 percent of elementary school LEP students. In the high schools the situation is worse, where there are only enough licensed teachers to serve less than one-fourth of entitled students in science classes, 18 percent in math and 46 percent in social studies. It should be noted that many teachers teach bilingual classes out-of-license, but there is no central record of how many teachers are in this category. The State Education Department must expand its teacher recruitment efforts and incentive programs, and the New York City Board of Education must also expand its staff development programs, especially for unlicensed bilingual teachers.

This report makes several detailed recommendations to correct our schools' scandalous abdication of their responsibilities to language-minority students. The Board of Education must immediately develop a plan to implement the court orders of a decade ago, and commit itself to a time frame for implementing that plan. Its first priority must be the 44,000 children not receiving any services, and its second priority must be the thousands more who are receiving only partial programs.

In 1975, Judge Frankel admitted, in a follow-up decision to the Consent Decree agreement, that implementation plans had been developed with inadequate knowledge of the problem and possible

solutions because of the need to act quickly. He stated his expectation that the options would improve with experience:

> "... all that we do today is surely open to improvement as the parties and their experts acquire -- and may manage to infuse the courts with -- the wisdom from further experience."[3]

Unfortunately, in the ten years since, there has been no evaluation of entitlement criteria as the judge recommended, nor of program models, nor has there been any significant progress in reaching more students. Since the time of the court decision, the Board has managed to increase the number of students receiving special language services by a mere ten percent. Judge Frankel lamented the lack of time, but even a decade has not produced the wisdom he sought to help these children function effectively in their new land.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Findings

WHO IS ENTITLED AND WHO IS SERVED?

1. According to the ASPIRA Consent Decree, the Lau Decision and agreement with the U.S. Office of Civil Rights, all children identified as Limited-English-Proficient (LEP) must receive a full bilingual program which includes English as a Second Language (ESL), native language instruction and three subject courses in their native language. At a minimum, entitled students must receive regular instruction in English as a Second Language if the parent declines services or there are fewer than 25 students in two contiguous grades in a school in the same language group and no transfer alternatives. A lack of personnel may not be a reason to deny a student full services.

2. In 1985, the Language Assessment Battery, a standardized test of English proficiency, identified 113,831 students as entitled to bilingual services. Of these, only 30 percent received a full bilingual program. In addition, six percent received a partial program, 26 percent received ESL only, and less than two percent received non-qualifying services, leaving more than 44,000 students without any legally-required bilingual services, according to available data. (None of these figures include approximately 10,000 special education students who are limited-English-proficient, as their programs are not monitored in the same way.)

3. Since 1975, the first year of the Consent Decree, the number of LEP students served has increased by only 6,500 students or 10 percent, while the number of students identified as entitled has more than doubled.

4. Many studies have shown that Hispanic and other LEP students have serious academic deficiencies and higher drop-out rates. More than 10 percent are deficient in both English and Spanish, and almost half of these lose their entitlement because they perform better in English than Spanish. Almost 10 percent of students who are deficient in English have been in an English-language school system for four years or more.

WHO ARE LEP STUDENTS?

5. More than three-fourths of entitled LEP students are in the districts, more than a third in grades kindergarten through two alone. Entitled LEP students constitute 14 percent of all district students and 10 percent of all high school students.

6. Seventy-two percent of entitled students speak Spanish. Five other languages account for another 20 percent.

WHERE DOES THE MONEY COME FROM?

7. In FY 1985, New York City schools received more than $62 million in non-city revenues for LEP programs, more than 14 times the funds received in 1974. This sum does not include city-provided funds for basic instruction, the largest single source of LEP revenues, because these funds are not recorded separately. Non-city revenues for LEP services increased by 50 percent from FY 1980 to FY 1984, faster than other non-city school revenues and faster than the Board of Education's total expenditures.

8. Since FY 1980, an increasing share of non-city funded LEP services is funded by the state, with the federal share declining from 84 to 67 percent, while the state's share rose from 16 to 33 percent.

9. Federal Title VII of the ESEA provides $13 million in categorical grants for bilingual programs which may be used to fund basic court-ordered services. That represents a 20 percent decline since FY 1982.

10. Federal Chapter I remedial funds for the disadvantaged may be used for supplementary bilingual services. In FY 1984, the New York City Board of Education targeted $25 million of Chapter I funds for this purpose, almost a 50 percent increase over 1980 levels, and representing 14.5 percent of total Chapter I revenues. As Title VII funds have declined, a larger portion of Chapter I funds have been used to replace them.

11. State Limited-English-Proficiency Aid grew from $3 million in FY 1982 to $14 million for FY 1986. This equals more than a 200 percent increase per student. However, recent aid is based on inflated claims of students served. On the other hand, New York City is underfunded because LEP students are not counted in the districts' wealth measure, which would yield $10 million more in aid for city schools. LEP aid is a general operating aid reimbursement for existing LEP services; there is no legislative requirement that it fund supplemental services. Twelve percent of a regular student's aid is added to the base aid for LEP students.

12. LEP students also generate state remedial funds equal to an additional 25 percent of a regular student's aid. The amount of PSEN money actually targeted for LEP services has grown dramatically, almost tripling since FY 1980 to $13 million in FY 1984. PSEN aid may be used for basic ESL services or other mandated bilingual services. Fourteen percent of PSEN aid is targeted for LEP students.

13. District allocations for supplementary LEP services (through Module 5B) equalled more than $7 million in FY 1985, based on a $130 per capita amount that has remained stable since FY 1982 despite rising salaries. If it kept pace with rising costs, this allocation should have risen to $150 per student by FY 1984 and should be $185 in the coming school year, FY 1987.

14. Conversely, the high school allocations are adjusted for rising costs, but not for the increased number of entitled students, which more than doubled between 1983 and 1985. However, the number of high school students receiving LEP services has remained stable. Funding to individual high schools is erratic, ranging from $40 to $183 per entitled student.

15. There is no complete record of expenditures or staffing for LEP services; tax levy funds are not tracked by program. On average, the districts support almost two-thirds of bilingual program staff with city funds, demonstrating a major commitment to LEP services. However, tax levy support in the districts varies from zero to one hundred percent of program staff, making it doubtful that some districts are meeting mandates or using federal and state funds for supplementary services.

HOW MANY TEACHERS ARE THERE?

16. There are 2,645 licensed bilingual and ESL teachers and guidance counselors. Only about four percent of the teaching staff are licensed bilingual teachers, compared to 12 percent of all students who need bilingual services. Less than six percent of bilingual teachers hold high school licenses, and less than five percent are licensed in special education. The proportion of Spanish bilingual teachers is 20 percent higher than the proportion of Spanish-speaking LEP students.

17. There are enough licensed bilingual teachers to provide full services to only 57 percent of elementary school LEP students. There are 38 bilingual science teachers, 29 bilingual math teachers and 74 bilingual social studies teachers in the high schools -- enough to serve 24 percent of entitled LEP students in science, 18 percent in math and 46 percent in social studies.

WHAT SERVICES ARE PROVIDED?

18. LEP students have limited high school options. Only 44 high schools provide full bilingual programs, only three of them vocational schools, and 11 more provide partial programs. Twenty-four high schools do not provide any LEP services, not even ESL instruction. LEP students are concentrated in the comprehensive zoned high schools; 58 percent of the high schools serve 90 percent of the city's LEP students.

19. On average, 34 percent of entitled students in the districts and 16 percent of entitled high school students receive a full bilingual program. The range in the districts is from 0 to 61 percent. The ability of a district to offer a full bilingual program does not appear to be affected by the size of its entitled population. Forty-two percent of Spanish-speaking students in the districts receive full bilingual programs, compared to only 8.5 percent of students speaking other languages.

20. Thirty percent of entitled district students receive only ESL instruction, compared to 14 percent of high school students. The proportion of entitled students in the districts receiving only ESL instruction ranges from less than one-half percent to more than 80 percent. About one-fifth of entitled Spanish-speaking district students receive only ESL, compared to 57 percent of those speaking other languages.

21. Two-thirds of district students and four-fifths of high school students receiving only ESL were offered no opportunity to participate in a fuller bilingual program. The proportion in the districts ranges from three to 99 percent, raising the question of whether some districts are making any attempt to develop full bilingual programs in a few schools and offer students transfer options. Only 18 percent of district students and four percent of high school students receiving ESL-only were doing so because parents had declined bilingual programs.

22. The Board of Education reports that 15,000 students (13 percent of entitled students) receive no qualifying LEP services, in clear violation of legal mandates. This does not include 29,000 students about whom there is no information on program participation, but who, most likely, are also receiving no services, bringing the total unserved population to 39 percent of those entitled, including about one-third of entitled district students and more than half of entitled high school students.

23. The distribution of unserved students among the districts is uneven, with seven districts accounting for more than half of all students with no program. Eight districts serve to some extent at least 95 percent of the students for whom they have records. However, only two districts serve at least 80 percent of all their entitled students.

24. The 15,000 students identified as having no program does include 3,400 who receive non-qualifying services, that is bilingual programs lacking one of the mandated components, either ESL (1,300 students) or native language arts instruction (2,100 student). The 11,600 others (10 percent of the entitled population) are documented students receiving no services at all.

25. More than 3,000 Hispanic students are listed as "comparably limited," meaning they are proficient in neither Spanish nor English. Many arrived here without any literacy; others have lost their native language skills while gaining none in English. These children became eligible for services in the 1984-85 school year, but fewer than half are being served.

26. The State Education Department and city Board of Education conduct only minimal compliance reviews, with the local board devoting only six staff people and the state only two to monitoring 900 schools in New York City.

Recommendations

The Board of Education must meet its obligation to provide appropriate services to all entitled language-minority students and to implement the ASPIRA Consent Decree and the Lau Plan. To give the public assurances that this will be accomplished, the Chancellor should develop a plan by January 1, 1986 and a time frame for the execution of the plan by the beginning of the 1986-87 school year. The plan should address the following issues:

- expanding the number of magnet bilingual programs in the districts, so that each district has at least one for each of its major language groups, at each age level;
- expanding the number of high schools offering full bilingual programs, including vocational schools;
- enforcing compliance with the requirement that every entitled student receive ESL instruction;
- recruiting an adequate number of bilingual teachers and providing training for those teaching out-of-license;
- tracking expenditures to insure that all funds meant for LEP services are used for that purpose in a manner consistent with their governing regulations.

The following recommendations are offered to guide the development of the plan:

1. The Board of Education should continue the longitudinal study of limited English proficient students and develop a database to evaluate and assess the success of service models for students with various needs and strengths.

2. The Board of Education database should identify all language-minority students. This should be built in to efforts to track academic progress and attendance and graduation rates. Data collection and monitoring should focus initially on students who have received LEP services and have advanced sufficiently to lose their entitlement, so that effective transitional services can be developed.

3. The Office of Bilingual Education must improve its data system (BESIS) to ensure that all eligible students are included with accuracy, including entitled special education students.

4. The Board of Education should provide staff training for district staff to clarify student entitlements and district responsibilities for providing services.

5. The Office of Bilingual Education must monitor schools on an annual basis to ensure full compliance. Districts with the poorest records of providing bilingual services should be targeted for immediate attention and assistance.

6. The Board should provide technical assistance for districts in scheduling students to maximize their participation in bilingual programs. Districts should be encouraged to develop magnet full bilingual programs in areas where there are not sufficient numbers of students to establish a program in each school for every grade. Zoning patterns should be reviewed to prevent the dispersal of LEP students throughout districts, which restricts the capacity to provide services. Districts should be required to use Module 5B funds to support the extra cost of full bilingual programs in schools which have 15 to 25 students in two contiguous grades rather than restrict services.

7. The Division of High Schools should translate the complete High School Directory into the six major languages spoken by public school children. A Spanish directory must be a first and immediate priority.

8. The High School Division should review admission criteria for each school and program to eliminate any discrimination against LEP students. The Board of Education must develop specific plans and timelines to implement bilingual curricula in every subject area and every career option program. All of these programs must include ESL as well.

9. Training for middle school guidance counselors must include information on students' rights to apply to various programs and suggestions for encouraging students to exercise their options.

10. Individual high schools should prepare bilingual outreach materials for middle school students and actively reach out to all students who may benefit from their programs.

11. The Board of Education must examine city tax levy expenditures and determine the true excess cost of instructional mandates for LEP students. Districts and high schools must provide program plans for their LEP population that demonstrate the allocation of adequate local resources. Supplemental funds must be used for enrichment activities.

12. The Board should index Module 5B and high school unit allocations for supplemental LEP services to both the number of students served and the average teacher's salary. In FY 1987, this would require an increase in city funds of $8.7 million for the districts and $2.9 million for the high schools.

In addition, the State Legislature and State Education Department should take the following steps:

13. The state aid formula should be reformed to reflect concentrations of LEP students in measuring a district's wealth.

14. The state should increase categorical funding for bilingual education to serve particularly hard to serve populations, such as the comparably-limited, and for staff training and recruitment.

15. The Board of Education and the State Education Department should develop new recruitment efforts to attract bilingual staff. These might include staff development for bilingual para-professionals, special loan forgiveness programs for bilingual college graduates who agree to teach, special scholarship programs for bilingual students in education, staff development for teachers who speak two languages but do not have bilingual licenses, and the use of part-time or adjunct teachers for subjects where staff shortages are especially severe.

CHAPTER ONE

HISTORICAL AND LEGAL BACKGROUND

The New York City public schools provide services to language-minority students within a complex context of local, state, and federal legislation and regulations. In addition to responding to legal, administrative, and financial mandates, the school system is responsible for developing programs that address the characteristics of the city's students. Before examining the specifics of revenues, expenditures, and program participation in Chapters Three, Four, and Five, the first two chapters of this report will describe the public policy structure developed over the last three decades and the nature of New York City's language minority population.

A Brief History of Public Policy on Education for Language-Minority Students

- Many laws and court decisions protect the right of language-minority students to special language instruction.

Since the formation of this nation, language-minority students have attended public schools after their arrival in the mainland United States. Sometimes they received instruction in their native language, sometimes in English. By the early twentieth century, English was the language of instruction throughout the country, as it was in New York State according to the state compulsory Education Law (Sec. 3204 of the Education Law). In the mid-1950s, with the movement to improve education generally, the special needs of language-minority students also gained attention in New York. The following chronology charts federal, state and city developments for the past past twenty years:

CHRONOLOGY OF EVENTS SHAPING EDUCATIONAL SERVICES TO LEP STUDENTS

United States

1964 - Passage of the Civil Rights Act, Title VI of which states that "no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance."

New York State and New York City

1955 - The first State allocation for categorical programs for non-English speaking students.

1956 - The Heald Commission on Educational Finances recommends state aid for educational programs in densely populated districts for students who are non-English speaking, handicapped, or require special programs.

1958 - New York City Board of Education conducts a study of problems faced by Puerto Rican students.

1963 - New York City, following Dade County, Florida, begins a pilot project in Spanish bilingual education.

Chronology of Events, continued

United States	New York State and New York City
1968 - Title VII, the Bilingual Education Act, is added to the Elementary and Secondary Education Act (ESEA), authorizing $7.5 million for categorical programs for children with limited English-speaking ability who are economically disadvantaged and come from homes where English is not the dominant language. Title I, providing remedial services for the disadvantaged, also provides for bilingual math and reading and English-as-a-Second-Language instruction for students with limited English ability.	1968 - Sec. 3204 of the Education Law is amended to provide that "pupils who by reason of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English, may, in the discretion of the Board of Education...be instructed in all subjects in their native language and in English" for a period of two years.[5] This allows school districts to apply for federal Title VII grants for bilingual programs.
1970 - The Office of Civil Rights instructs school districts to "take affirmative steps to rectify the language deficiency in order to open [their] instructional programs to these students."[4]	1970 - The New York State Legislature declares a policy "to insure the mastery of English by all students"[6] by including in bilingual programs the study of English. Bilingual education programs are also extended to a maximum of three years. A new subdivision is added to the Education Law to clarify the content of bilingual programs while giving full discretion to local boards, without state oversight. Bilingual programs are to accomplish: bilingual education, knowledge of native history and culture, cooperation between home and school, early childhood education, adult education, services for dropouts and potential dropouts, and vocational/technical instruction.
1970 - A suit, Lau v. Nichols, is brought on behalf of 1,800 non-English speaking Chinese students against San Francisco's Unified School District, claiming discrimination under Title VI of the 1964 Civil Rights Act and the equal protection clause of the Constitution (14th Amendment).	

Chronology of Events, continued

United States	New York State and New York City
	1972 - The Board of Regents confirms state support of bilingual programs that: a. capitalize on students' native language ability; b. recognize the role of the child's native language and culture; c. develop competence in English.[7]
	1972 - ASPIRA of New York, ASPIRA of America and 15 children and their parents file suit against the New York City Board of Education for failure to provide equal educational opportunity to students who have difficulty with English, primarily speak Spanish and receive inadequate or no services which take into account their linguistic needs.[8]
1974 - Supreme Court finds in Lau v. Nichols that limited English speaking students are protected by Title VI of the Civil Rights Act, and that districts "must make affirmative steps to rectify the language deficiency in order to open instructional programs to these students."[9] No specific program is required.	1974 - The Fleischman Commission recommends bilingual education "with a strong English-instruction component,"[10] operating aid for remedial programs for pupils with special needs, and aid for bilingual programs. PSEN aid is established and includes all children needing remediation in reading, writing and math, including limited English proficient students.
1974 - Congress authorizes the Bilingual Education Act with a $68 million budget and requires a dual language approach and supplemental instruction on students' cultural background. The requirement for economic disadvantagement is abolished.	The period of permissable bilingual education is again extended, this time for a period not to exceed six years (upon a school district's application to the State Commissioner).

Chronology of Events, continued

United States	New York State and New York City
	1974 - ASPIRA case decided (see details below).
1975 - The Lau remedies are issued specificying implementation of the Lau decision (see details below).	

The ASPIRA Consent Decree and the Lau remedies as agreed to by the Office of Civil Rights govern services to LEP students in New York City to this day, and require full discussion.

The ASPIRA Consent Decree

On April 30, 1974, U.S. District Court Judge D. J. Frankel ruled that the plaintiffs shared the rights delineated in the Lau decision and ordered the plaintiffs and the Board of Education to develop an adequate plan for the provision of services. Although the Lau decision did not require any specific services, there was a substantial body of information, both in state and federal laws and the education literature described above, plus the detailed evidence submitted during the course of the ASPIRA case, to build upon. After negotiations, the Board of Education signed a Consent Decree on August 29, 1974 which still governs services for limited English proficient students whose native language is Spanish in New York City. The Consent Decree included the following provisions:

1. Children entitled to the Program: The agreement applies to children from first through twelfth grades whose English language deficiency prevents them from effectively participating in the learning process and who can participate more effectively in Spanish.

2. Identification of Children: The decree orders the Board of Education to develop a classification system to identify children eligible for the program on the basis of their ability to read, write and speak both Spanish and English.

3. The Program: The educational program is to include four basic elements:

   a) intensive instruction in English
   b) instruction in subject areas in Spanish
   c) instruction to reinforce the child's Spanish language skills
   d) materials that are sensitive to and where appropriate, reflect the culture of the children within the program.

4. Pilot Schools: By October 30, 1974, elementary, junior and senior high schools were to be identified to serve as Pilot Schools to demonstrate the implementation of the Program and to train personnel.

5. Personnel: Professionals in the Program must:

   a) be fluent in the Spanish and English languages
   b) possess the necessary professional skills.

   In order to provide such personnel the Board is required to implement an affirmative action plan.

6. Timetable: The Program was to be initiated by September 1975.

7. ASPIRA's Continuing Role: As part of the agreement the Board of Education is required to submit monthly reports to ASPIRA and the Puerto Rican Legal Defense Fund demonstrating their compliance with the Decree.[11]

The specific program to be initiated for the 1975-76 school year and thereafter is described for local school personnel in "Special Circular No. 2 1975-1976: Minimum Educational Standards

for the Program Described in the Consent Decree of August 29, 1974 For Pupils Whose English Language Deficiency Prevents Them From Effectively Participating In the Learning Process and Who Can More Effectively Participate in Spanish," dated July 21, 1975. Circular 2 prescribes program requirements, pupil participation, program guidelines, personnel considerations, organizational options, and instructional program design. Overall, the Circular explains that,

> "The goal of this program is to enable those students whose English language deficiency prevents their effective participation in the learning process and who can more effectively participate in Spanish to develop English language skills as rapidly as educationally possible and to develop their skills in subject areas such as mathematics, social studies, and science, and to develop and reinforce their Spanish language skills."

Programs for these students must include:

1. English language instruction. English as a Second Language (ESL) must be a specific curriculum considering each child's level of proficiency which is offered at specified time periods each week. Subject area instruction in English does not fulfill this requirement.

2. Subject instruction in the pupil's dominant Spanish language. Students are to receive instruction in social studies, math, and science in their native language.

3. Reinforcement and development of the child's use of Spanish including development of reading and writing skills.

4. Opportunities, consonant with the provision of these three program elements for spending maximum time with other pupils in order to avoid isolation and segregation.

"Special Circular No. 11, 1975-76: Pupil Participation in the Program to be Provided According to the Consent Decree of August 29,

1974" dated September 8, 1975 (with supplements dated January 30, 1976 and March 15, 1977) delineates the requirements and procedures for parental notification regarding a student's entitlement. The supplements include the specific letters that must be sent to parents under various circumstances.

The Lau Remedies

In 1975, the federal government issued "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols." Also known as the "Lau Remedies," the report required school districts to identify language-minority students and to file a compliance plan, or "Lau Plan," with the civil rights office. In response the New York City Board of Education issued "Special Circular No. 69, 1977-78: Guidelines for the Implementation of an Instructional Program agreed to Between the Office of Civil Rights and the Board of Education of the City of New York on September 15, 1977 for Pupils Whose Limited English Language Ability Prevents Them From Effectively Participating in the Learning Process and Whose Home Language is Other Than English or Spanish" on June 15, 1978. Except for the method of identifying entitled students, programs for limited English proficient students, regardless of home language, should be comparable to one another to provide equal educational opportunity. These three circulars continue to govern bilingual education in New York City today.

Entitlement

This is how the provisions of these circulars are implemented: Students entitled to bilingual services are identified through the Language Assessment Battery (LAB). Under the Consent Decree, the LAB is administered in English to all students who are Spanish-surnamed and/or speak Spanish as their native language at the time they enter the school system. The English LAB is again administered to all entitled and potentially eligible students each spring. Students who score at or below the 20th percentile on the English LAB and are eligible under the ASPIRA Consent Decree (see page 20, #1) are then tested in Spanish. All students who score at or below the 20th percentile in English and attain a higher score on the Spanish LAB than on the English test are entitled to services. The Spanish test, stipulated by the court to implement the Consent Decree, is used to identify those students who can "participate more effectively in Spanish," and to distinguish, at least theoretically, between those students whose academic progress in English is simply a question of native language and those whose low scores are symptomatic of other problems. (See Chapter Five for a fuller discussion of eligibility requirements and the effects on participation.)

The LAB is not available in other languages. According to the Lau Plan, all students entering the school system who have difficulty functioning in English and appear to speak a language other than English or Spanish at home must also take the LAB in English. All students who score at or below the 20th percentile are entitled to a full bilingual program in their native language.

According to Board of Education regulations, developed after the Consent Decree and Lau Plan, full bilingual programs are required whenever there are 25 entitled students in a school in one grade or two contiguous grades who have the same home language. If there is not a sufficient number of students, parents must be offered the option to transfer their child to another school where a program is available. A full bilingual program is not required if:

1. there are fewer than 25 students in two contiguous grades in a school and there are no transfer alternatives; or
2. a parent rejects a transfer option; or
3. a parent, after full consultation, opts to withdraw a child from a bilingual program.

In all of these situations where the student does not participate in a full bilingual program, the student must receive English as a Second Language (ESL) instruction. The special circulars specifically note that the lack of availability of personnel shall not be the basis for denying pupils either bilingual education or the ESL program. (See Chapter Four for discussion of staffing.)

Other Actions

Two more pieces of legislation, one on the state level and one at the federal level, affect bilingual programming although they have limited application in New York City. In 1981, the State Legislature created a new Limited English Proficiency (LEP) Aid for school districts conducting programs for pupils with limited English proficiency.[12] In 1982, the State Education Law was, once again, amended in the area of bilingual education. The result

was to restrict LEP Aid to districts with programs approved by the State Commissioner, moving final authority for program approval from the district to the state which would promulgate standards. The law also required that each district submit a comprehensive plan for meeting these standards to the commissioner for approval. However, the regulations, Part 154 of the Regulations of the Commissioner of Education, state that,

> "...a school district, which is subject to a court order or a party to a pre-existing agreement with an appropriate federal agency requiring programs substantially equivalent to or in excess of those required under these regulations, will not be required to comply with these regulations and will be eligible for funds under this Part so long as the district is in compliance with the court order or agreement."

Thus, the state action had no impact on the requirements for bilingual programs in New York City. Special Circulars 2, 11, and 69 were accepted in lieu of a comprehensive plan for New York City. The revised legislation did provide authority for the State Education Department to monitor programs in New York City and to require compliance with other existing legal mandates.

Most recently, in 1985, the Reagan administration revised the requirements of Title VII at the time of its reauthorization. The administration had initially requested broad language calling for an expansion of approaches that do not require native language instruction, which Congress did not approve. The new legislation acknowledges that in some school districts bilingual programs are impractical because of lack of qualified personnel or the small numbers of eligible students, and it declares that the segregation

of limited-English-proficient students is a serious problem. The legislation begins to shift responsibility for determining appropriate curricula and programs from the federal government to states and local school districts and broadens the definition of permissable services, including English-only programs. However, these changes do not affect New York City because of the standing court order for full bilingual programs.

Thus, in 1985, as the EPP began this investigation, the New York City Board of Education has had twenty years of experience providing bilingual programs since the first pilot project and a full decade to refine implementation of the Consent Decree. The rights of limited-English-proficient students have been clearly outlined in law as are the responsibilities of the school system. Before examining the Board's progress, it is useful to understand the nature of the student population involved in bilingual programs.

CHAPTER TWO

LANGUAGE MINORITY STUDENTS

How Many?

° Language-minority youngsters constitute 12 percent of the city's student population, a total of 113,000 children. Of those, only 69,000 are documented as receiving special language services, a number that has increased by only ten percent since the 1974 Consent Decree.

In 1980, there were approximately 4.5 million children in the United States, aged 5 to 17, whose home language was not English.[13] This represented 9.5 percent of all children that age group. New York State ranks third nationally, with 593,764 youngsters living in homes where English is not the dominant language, representing 13 percent of the national total. Only California and Texas have larger language minority populations. Seventeen percent of the state's total school-aged population does not speak English at home, a proportion that is approximately 75 percent greater than the national average.

National studies provide varying estimates of the number of language-minority students who are Limited English Proficient (LEP) and therefore cannot learn successfully if instruction is provided in English, ranging from 1,356,000[14] to 2.4 million.[15] More than three-fourths of these children speak Spanish. Although 94 percent of elementary students in the U.S. identified as LEP receive some special services, barely more than a quarter of their teachers have bilingual credentials, and only 60 percent of the teachers had any college or in-service training relevant to the special needs of LEP students.[16]

In New York City, city-wide statistics are not regularly maintained on the number of language-minority students. A home-language survey is required as part of state-mandated screening of students entering the school system and as the first step in determining eligibility for bilingual programs under both the ASPIRA Consent Decree and the "Lau plan," but these are not aggregated citywide.* However, a few figures are instructive. In 1983-84, 32 percent of the school population was Hispanic (although not necessarily language-minority). Another 5.3 percent of public school students were Asian or Pacific Islanders, a group that has more than doubled in size since 1974.[17] More than 40 percent of full-day kindergarteners came from homes where a language other than English was spoken.

Data are maintained on students who have been identified as Limited English Proficient (LEP) on the basis of tests. During the 1984-85 school year, there were 113,831 students entitled to bilingual services. New York City public schools are responsible for more than 82 percent of the state's LEP students.

"Limited English Proficient" is an unfortunate term, failing to recognize the skills and strengths that language-minority students possess, including, for many youngsters, a proficiency in another language. Recent research reported to the American Psychological Association indicates that children who grow up speaking two languages have more advanced cognitive abilities than their peers.[18] However, as discussed above, this term is used in both

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* These data are now being collected. Eventually, all grades will be covered, and the total number of students who ever took the LAB will be available.

state and federal education legislation to define eligible students and service mandates. Since there are no mandates for non-LEP language-minority students, data are not routinely maintained on their progress or program participation. Therefore, for the rest of this study, the focus will be Limited English Proficient or LEP students.

The Board of Education also lacks data on LEP special education students. Students in self-contained special education classes are not included in the Board's data base for LEP students nor are their programs monitored directly in the same way as regular education services are reviewed by the Office of Bilingual Education. Approximately 10,000 children are in this category.

The EPP has previously raised the problem of discriminatory special education placements, particularly evident in the disproportionate numbers of LEP students who are labeled as "language-handicapped," a term which should be applied to students with organic oral communication deficiencies. This issue was also highlighted by the recent work of the Beattie Commission.[19] At the same time, LEP students with handicapping conditions unrelated to language development are unable to reach their potential because of inadequate or nonexistent special education bilingual programs and extreme shortages in trained bilingual staff. Unfortunately, because of the limited data and the complex legal mandates of three court cases (ASPIRA, and two cases regarding special education, José P. and Lora), special education students in self-contained classes are not included in this study. Their special status and particular needs require a separate in-depth review.

In 1973-74, the year the Consent Decree was signed, there were 108,966 students in the districts alone (elementary and intermediate schools) with a "poor" or "hesitant" ability to speak English.[20] During the 1975-76 school year, the first year of Consent Decree programs, there were 62,968 students participating in programs according to the Office of Bilingual Education. By 1978-79, the first year that data were maintained on students in programs under the Lau plan, there were still only 63,687 LEP students served citywide. By 1985, that figure had increased by only nine percent or 69,467 children served, 61 percent of those entitled. Furthermore, as Chapter Five will demonstrate, many of those children are not receiving the full range of services to which they are entitled.

Beginning with the 1981-82 school year, the Board of Education was required to submit register figures to the State Education Department to receive LEP aid. (None of these figures include the 10,000 LEP special education students in self-contained classes.) These figures represent claimed LEP enrollment, not participation in bilingual and ESL programs or total number of entitled students.

Table 1

LEP ENROLLMENTS AS PER STATE AID CLAIMS

Year	Number of Students
1981-82	66,713
1982-83	79,437
1983-84	82,514
1984-85	91,233

These figures show a steady increase. In fact, for 1984-85, the Office of Bilingual Education actually identified 113,831 LEP

students, although only 91,223 were claimed for aid. Although there is no definitive explanation, the increase is a result of several different phenomena:

- First, there has been an increase in the LEP population in recent years. New York City's Hispanic community is the only segment of the population which has been growing since the 1970 Census. Recent immigrants from Southeast Asia, the Middle East, and China have also boosted the number of students eligible for Lau programs.

- Second, the Board of Education has instituted a computerized data basis - Bilingual Education Student Information System/BESIS -- which has improved the central accounting of LEP students. BESIS also generates central lists of eligible students to insure that pupils continue to maintain their entitlement from year to year, increasing the total number of entitled students recorded.

- In the fall of 1984, new procedures were instituted for testing first graders which identified additional entitled students.

- Finally, it is not uncommon for student registers to become more accurate and to grow once student identification leads to increased state aid in addition to increased eligibility for services.

Characteristics of Language Minority Students

- Hispanic and other LEP students have serious academic deficiencies and higher drop-out rates. Many fail to make adequate progress in learning English.

Beyond the gross number of students, BESIS provides extensive information. Chapter 5 analyzes the data in depth. At this point, several generalities are useful. Of the more than 113,000 entitled students, more than three-fourths attend community school district schools, the rest are in high school. More than one-third of LEP students are in grades kindergarten through 2. Seventy-two percent speak Spanish, the remainder speak other languages and are entitled to Lau programs (see Table 2).

Table 2

LEP STUDENTS 1984-85

	Consent Decree (Spanish-Speaking)	Lau (Other Languages)	Total	% of Total LEP Students
Community School Districts	64,590	22,058	86,648	76.1%
High Schools	16,835	10,348	27,183	23.9%
Total	81,425	32,406	113,831	
Percentage of Total LEP Students	71.5%	28.5%		100.0%

Five other languages are each the home languages of more than one percent of LEP students -- Chinese (includes several dialects), Haitian Creole, Korean, Vietnamese, and Italian. Although more than 90 percent of LEP students speak one of the six most common languages, New York City public schools serve students speaking more than 50 languages. BESIS maintains separate data for 26 languages (see Table 3).

The fact that language minority students are poorly served by the school system is evidenced by some tragic statistics. The dropout rate for Hispanic youngsters is almost 80 percent,[21] twice the average figure cited by the Board of Education. According to 1980 Census data, Hispanics are more than 34 percent less likely than the general population in New York City to receive a high school[19] degree. The findings from the first of a series of reports in a longitudinal study of LEP students begun by the Office of Educational Evaluation (OEE) at the Board of Education[22] are equally disturbing. Based on a review of the records of students taking the LAB in spring 1982, OEE found that:

Table 3

LEP STUDENTS BY LANGUAGE
1984-85

Language	Total	Percent
Spanish	81,426	72.0%
Chinese	10,999	10.0
Haitian Creole	5,681	5.0
Korean	2,215	2.0
Vietnamese	1,452	1.3
Italian	1,381	1.2
Arabic	1,023	*
Greek	986	*
Khmer	852	*
Hindi	732	*
French	656	*
Urdu	630	*
Russian	558	*
Farsi	474	*
Hebrew	380	*
Serbo-Croatian	339	*
Japanese	335	*
Polish	274	*
Roumanian	254	*
Portuguese	221	*
Tagalog	159	*
Turkish	150	*
Thai	104	*
Albanian	93	*
Laotian	67	*
Papiamentu	33	*
Other	2,229	2.0
Unknown	134	*

* Less than one percent of total LEP students

Source: Office of Bilingual Education, BESIS

- A large proportion of entitled students are over-age for their grade, including 70 percent of those in high school.

- 7,400 students (more than 10% of those in the study) scored below the 21st percentile in both Spanish and English.

- Approximately 3,200 students were "comparably limited," scoring below the 21st percentile in both Spanish and English, but performing better in English than Spanish. Thus, although they are eligible for services under federal and state guidelines, they are not covered by the Consent decree. More than half of these students are over age for their grade and more than one-third have been in an English language school system for four years or more. Only one-sixth are recent arrivals.

- Over 6,600 students scoring below the 21st percentile on the English LAB have been in an English-language school system for four years or more. This includes 16 percent of all entitled Spanish-speaking students. (Those scoring higher in Spanish than English.)

- These long-term residents who remain entitled to bilingual services make slow progress in reading and math and also perform less well on the Spanish LAB than recent arrivals.

- Entitled students who speak Spanish score on the average at the 11th percentile in English and, as would be expected, at the 50th percentile in Spanish.

- Students who score well enough on the English LAB to lose their entitlement to bilingual services are still lagging behind native English speakers. Thirty-five percent of them scored in the bottom quartile of New York City students on the citywide reading tests.

These findings raise significant questions about the effectiveness of services for LEP students. For a significant number of them, their time in our public schools has not led to even a minimal proficiency in English. Many of these students either began with serious remedial needs in Spanish which were not addressed, or they lost proficiency in Spanish without making gains in English. The school system's failure to pro-

vide students with language proficiency leads to academic failure. Eventually, often over-age and frustrated by their academic problems, these youngsters drop out, leaving public schools that have given them scant preparation for the future.

CHAPTER THREE

FUNDING

Revenue Trends

- **Since the Consent Decree, non-city revenues for LEP services have increased thirteen times, the number of students identified as entitled to services has more than doubled, and the number served has increased by only ten percent.**

One of the major objectives of this study was to examine revenues and expenditures for services for LEP students. The members of the Educational Priorities Panel believe that the most effective way to determine whether a program is a priority for the Board of Education, or for the city, state, and federal governments is to examine budgets. Revenue and expenditure data are also good measures of the Board's commitment and effort to provide mandated services (though they are not the sole measures). Finally, financial data are key to determining whether students are receiving the benefit of funds generated on their behalf. This chapter will examine budgetary data in order to reveal this information.

Categorical funds for programs for limited English-proficient students have been available for some time from both the federal government (Title VII of the Elementary and Secondary Education Act) and the state government (Special Bilingual Education Program grants). In 1973-74, the year before the Consent Decree, New York City received almost $4.25 million targeted for special programs for LEP students (see Table 4). A decade later, in FY 1984, New York City received more than $57 million for LEP services from

Table 4

Revenues for Services for LEP Students FY 1974

Federal	
Title VII	$4,095,254
State	
Bilingual Ed. Program	150,000
Total	$4,245,254

Source: Chancellor's Budget, Fiscal Year 1974-75

six different aid categories, more than a thirteen-fold increase. For the 1984-85 school year just completed (although audited figures are not available), total aid increased again, to more than $62.1 million (see Table 5). Furthermore, both State LEP Aid and Bilingual Program Grants have been increased for the current year, FY 1986, continuing the upward trend.

However, there are two crucial issues which must be considered in any examination of funding for bilingual programs. First, the Board of Education does not maintain any central accounting of basic city tax levy support for these services, by far the main source of funding, supporting almost two-thirds of bilingual staff, as documented in the next chapter. This study is the first attempt to examine the full range of state and federal funding for LEP students over the last decade. This chapter will also analyze city funds allocated for supplementary services. However, it is currently impossible to determine either the total amount of city funding for mandated services or the incremental costs of these services

Table 5

Revenues FY 1984 and FY 1985

Source	FY 1984	FY 1985	Change $	Change %
Federal				
Title VII	$13,300,000[1]	$14,723,000[2]	+$1,423,000	+10.7%
Chapter I (only those funds targeted for LEP students)	25,039,952[3]	25,073,863[4]	+ 33,911	+ .1%
Transition Program for Refugee Children	358,184[4]	202,359[4]	- 155,825	-43.5%
State*				
LEP Aid	4,334,083[1]	8,343,778[2]	+ 4,009,695	+92.5%
PSEN (only those funds targeted for LEP students)	13,075,485[3]	12,273,551[4]	- 801,934	- 6.1%
Bilingual Prog.	1,261,638[1]	1,525,000[2]	+ 263,362	+20 9%
Total	$57,369,342	$62,141,551	+$4,772,209	+ 8.3%

* In addition, there were several small state legislative grants made to school districts which would provide limited LEP services.

Notes for Table 5

[1] Actual Revenues, Comprehensive Annual Report of the Comptroller, Revenues vs. Budget by Agency General Fund Schedule G4.

[2] Budget as Modified, Budget Estimate, Fiscal Year 1985-86, New York City Board of Education. Final LEP Aid is expected to increase by more than $1.5 million and actual Bilingual Program grants are expected to be less than estimated.

[3] "Directory of Bilingual Education Programs in New York State, 1983-84" N.Y. State Education Department, Bureau of Bilingual Education.

[4] Office of Bilingual Education, New York City Board of Education.

(e.g., the amount over and above the cost of regular education required to meet the mandates). Therefore, this chapter focuses only on the targeted funds that can be identified, although they represent only a small portion of total spending for LEP services.

Second, the implementation of the Consent Decree and the Lau Plan was severely constrained by New York City's fiscal crisis. The impact of this fiscal crisis and the city's recovery must be part of any examination of the implementation of city-wide bilingual programs. The Consent Decree was to be implemented city-wide for the first time during the 1975-76 school year. However, that was the year that public education in New York City was first paralyzed by the growing threat of bankruptcy and then racked by three successive rounds of mass layoffs, totaling 10,000 teachers in 1975. Layoffs hit newly-hired bilingual teachers severely. A loss of 90 minutes from the school week in 1976 played havoc with lesson plans and course descriptions for all children and certainly disrupted newly-created bilingual programs.

After 1976, almost no hiring occurred for almost four years, inhibiting efforts to develop a cadre of experienced, trained bilingual teachers. The Lau Plan, initiating programs for 1978-79, suffered from a depleted school system that was entering the fourth year of budget cuts and approaching a mid-year deficit of almost $100 million.

This period is now over. For the last three years, the Board of Education has been able to garner city funds for new program initiatives.

In order to concentrate on a period of relatively stable city and state resources with consistent data, the following discussion focuses on Fiscal Years 1979 through 1984.* During this period, total Board of Education expenditures increased by 36% and revenues (other than those received from city tax-levy funds) increased by 50%, to give an idea of the increasing cost of education during this time. During the same period, the number of students identified as entitled more than doubled, while the number served (according to Board of Education claims) increased by nine percent. The increase since 1974, the year of the Consent Decree is not much better, a mere 10 percent.

I. FEDERAL REVENUES

A. Title VII, ESEA

° Federal bilingual program funds, which represented 23 percent of total 1985 non-city revenues for LEP services, have declined by 20 percent since 1982. They may be used for court-mandated services.

The Bilingual Education Act, Title VII of ESEA, has grown from $7.5 million nationally in 1968 to an authorized budget of $176 million in 1985. In 1983, the most recent year for which there are complete data, the U.S. Department of Education distributed $130,967,487 to local school districts for basic and demonstration bilingual programs. Nationally, 555 Basic projects (in all but four states) and 110 Demonstration projects served 234,000 LEP students[23]. Title VII provided funds to local districts primarily

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* Detailed actual revenue figures are available from the New York City Comptroller's Annual Report beginning with FY 1979. Data on Chapter I and PSEN funds targeted for LEP students are available from the New York State Education Department beginning with FY 1980.

for Basic Projects to establish, operate, or improve programs of bilingual education and Demonstration Projects to demonstrate exemplary approaches. Local Education Agencies are also eligible for grants for training and materials development. (Note: Regulations have not yet been promulgated for the revised legislation passed in 1985.)

Title VII funds are categorical, competitive grants. This means that funds must be maintained separately from a school district's general operating funds and expenditures tracked for discrete, identifiable purposes. Funds are distributed based on a review of proposals. Programs are selected based on specific criteria; there is no guaranteed allocation for any area or district. In New York City, Title VII funds may be received directly by a community school district or by the Central Board of Education on behalf of the High Schools, Division of Special Education or the Office of Bilingual Education. In 1984-85, New York City received 62 basic grants, covering 29 community school districts and 23 high schools, plus the Division of High Schools, the Division of Special Education, and the Office of Bilingual Education. There were also three demonstration grants and one grant to support desegregation. Grants range from approximately $75,000 to more than $320,000. Title VII funds are not to be used to <u>supplant</u> local support of bilingual programs. However, they <u>may</u> be used to fund court-ordered services. In other words, the provision of basic bilingual programs as required under the Consent Decree and Lau Plan is an acceptable use. In New York City, Title VII funds tend to be used to fund district bilingual coordinators, curriculum

development, training, and additional support services, although they may fund classroom teachers.

Compared to the FY 1974 funding level of $4.1 million, recent Title VII aid has expanded prodigiously, an almost 225 percent increase in 10 years. However, a closer look at the period from FY 1979-1984 reveals the negative impact of the Reagan budget cuts (see Table 6).

Table 6

Title VII Revenues
FY 1979-84

Year	Amount	Change from Previous Year $	%
FY 1979	$13,895,371	N/A	
FY 1980	15,356,250	+$1,460,879	+ 10.5%
FY 1981	15,719,000	+ 362,750	+ 2.4%
FY 1982	16,545,975	+ 826,975	+ 5.3%
FY 1983	14,500,000	- 2,045,975	- 12.4%
FY 1984	13,300,000	- 1,200,000	- 8.3%
FY 1979-1984		-$ 595,371	- 4.3%
FY 1980-1984		-$2,056,250	- 13.4%

Source: Comprehensive Annual Report of the Comptroller, Revenues vs. Budget by Agency General Fund Schedule G4, FY 1979-1984.

Due to overlapping fiscal years and the forward funding of education programs, the federal budget cuts did not affect local districts until FY 1983, when the city sustained more than a twelve percent drop, followed by another eight percent cut for FY 1984.

This 20% decrease for bilingual education is the deepest education cut made in any continuing program by the Reagan administration. The result is that in FY 1984, revenues from Title VII were more than a half million dollars below those in FY 1979, and more than $2 million less than in FY 1980, the two base years for this study. The modified budget for FY 1985 shows an increase back to FY 1983 levels, but still significantly below the FY 1982 peak, with no allowance for increasing costs or the larger number of students to be served.

B. Chapter I, ECIA (formerly Title I, ESEA)

° Federal remedial funds used for LEP students account for 40 percent of total 1985 non-city revenues for LEP programs. These must be used for supplemental services only. The amount of these funds has been rising, as the city has directed an increasingly larger portion of remedial funds to LEP services to replace declining bilingual funds.

Services to LEP students may also be funded under federal remedial programs for the disadvantaged. Title I of the Elementary and Secondary Education Act, now restructured as Chapter I of the Education Consolidation and Improvement Act, permits local school districts to provide ESL, bilingual reading, and bilingual math. Funds are distributed to localities by a complicated series of criteria to determine eligibility for schools and districts serving economically disadvantaged students requiring remediation in basic skills. The Board of Education assumes that all LEP students in designated Chapter I schools (based on relative reading scores and number of disadvantaged students) are de facto educationally disadvantaged and thus eligible for Chapter I services.

These funds are also categorical in nature and must be used for services that are supplemental to those provided by a school district's basic operating funds for all students. However, Chapter I funds, in contrast to Title VII, may not be used for mandated services. In New York City, the school district must be able to demonstrate that sufficient dollars are already in place to provide all services required by the Consent Decree and Lau Plan before Chapter I funds are utilized. English as a Second Language is a reimbursable activity, but only if the funds are used to expand or enrich ESL services already provided consonant with the court mandates (including services for students having difficulty learning English). Bilingual math, or math remediation in another language, is also permitted. Finally, funds can be used for bilingual reading, to provide remediation in a student's native language.

In order to receive Chapter I funds, New York City must submit a Chapter I application that details the services to be provided and students to be served by Community School Districts and central divisions. The State Department of Education's Bureau of Bilingual Education reviews those applications which describe services to LEP students. The Bureau produces a directory of LEP programs statewide. A detailed analysis of available directories for the period FY 1980 through FY 1984 is the basis for Table 7 and Appendix Table 1.

After minimal decreases at the beginning of the 1980s, there were significant increases in the amount of Chapter I funding targeted for LEP students. By FY 1984, more than $25 million was

Table 7
FY 1980 - FY 1984
Chapter 1/Title I Funding Allocated for Bilingual/ESL Services

Year	Amount	Change from Previous Year $	Change from Previous Year %	% of Total Chap.1/Title I Revenues
FY 1980	$ 16,820,241	Not Available		12.0%
FY 1981	16,670,455	-$ 149,786	- .9%	11.3%
FY 1982	16,187,397	- 483,058	- 2.9%	9.9%
FY 1983	18,776,422	+ 2,589,025	+ 16.0%	13.1%
FY 1984	25,039,952	+ 6,263,530	+ 33.4%	14.5%
Change FY 1980-84		+$8,219,711	+ 48.9%	

Source: "Directory of Bilingual Education Programs in New York State," 1979-80 through 1983-84, Bureau of Bilingual Education, New York State Education Department.

allocated for LEP students, almost $9 million more than the FY 1982 low (a 54.7% increase). From FY 1980-84, allocations increased by 48.9%. In every year but one, Chapter 1/Title I allocations targeted for LEP students exceeded Title VII revenues and were the single largest funding source. In FY 1982, the peak for Title VII, funds were still only $359,000 more than Chapter I allocations. The Chapter I figures are based on approved proposals, not actual reimbursement, so slight differences may not be significant. However, the trend to increase the amount of Chapter I funding targeted to serve LEP students is unmistakable. As Title VII was cut, Chapter I allotments rose until by FY 1984, the $25 million allotment was almost twice total revenues from Title VII. After a small decrease in FY 1981 and 82, not only has the amount allocated to LEP students increased, the percentage of total Chapter I funds being targeted to LEP students has also increased. This change,

from less than 10% to 14.5% of total Chapter I revenues, is a clear indication of the Board's commitment of Chapter I funds to serve LEP students. In addition to the need to replace Title VII funds, the increases may be partially explained by the increasing number of LEP students and mounting pressure to document services.

Appendix Table 1 provides more detailed information on Chapter I allocations. Interestingly, although total funds have increased, only 24 districts used their Chapter I funds for LEP services in FY 1984, as opposed to 29 in FY 1980. However, the average amount increased by 79% to more than $788,000 per district with allocations ranging from $33,000 to more than $4 million in District 14. In fact, eight districts, or one-fourth, allocated more than one million dollars from Chapter I funds for LEP services. (See Chapter Five for an analysis of student participation in Chapter I programs.) Funds for the high schools have remained fairly stable. The FY 1984 allocation was only 5% higher than that for FY 1980. At $4.7 million, the Chapter I allotment for high schools is higher by far than the allotment for any community district. The allocation for special education LEP students is minimal, less than $350,000 in FY 1984. In three years, FY 1980, 1982, and 1983, there were no special allocations for Chapter I services for LEP students in special education. In terms of services, 20 community school districts use Chapter I funds solely for ESL programs, as do the high schools. Three districts plus the Division of Special Education fund only Bilingual Reading Programs and six districts provide a combination of ESL and/or Bilingual Reading and/or Bilingual Math.

C. Transition Program for Refugee Children

The federal Refugee Act of 1980 included funds for Transition Programs for Refugee Children. These grants, categorical in nature, were first made to community school districts for FY 1982. The funds are to provide supplemental educational services to meet the special needs of refugee children, including bilingual education and bilingual support services. The program is relatively small, representing less than 1% of total targeted funding for LEP students. In FY 1984, $358,184 was received and the program was cut by 47% to $202,359 for FY 1985. In FY 1984, there were 29 projects in New York City, most for less than $5,000 per community school district. Only 8 projects were funded for more than $15,000 (seven districts and the Division of High Schools), the largest being $32,221 (District 17).

II. STATE REVENUES

A. Bilingual Categorical Programs

° State categorical funds represent only two percent of bilingual funding.

The oldest state programs for LEP students are the Bilingual Categorical Programs. Since 1970, the state budget has included funds for categorical grants. Unfortunately, the chapter number of state law authorizing the program changes annually, causing some confusion in the field or the sense that new aid is available. Regardless of the title (Chapter 720 or 53 are commonly used), the program maintained a consistent funding statewide of just under $2 million from FY 1979 to FY 1985. The program has been expanded to $3 million for the 1985-86 school year. Generally, the funds

have been distributed as categorical grants for supplemental services on a competitive basis. During 1983-84, the funds were distributed on a per capita basis statewide to all districts providing bilingual services in accordance with Commissioner's regulations. As demonstrated by Table 8, Bilingual Categorical Grants to New York City have fluctuated from a low of less than $1.10 million in FY 1982 to a high of $1.67 million in FY 1981. The FY 1984 figure, $1.26 million, is below average for the six-year period under examination, and almost 20% below FY 1979 revenues.

Table 8

State Categorical Bilingual Programs
FY 1979 - 1984

Year	Amount	Change from Previous Year $	%
FY 1979	$1,568,721	Not Applicable	
FY 1980	1,440,007	-$128,714	- 8.2%
FY 1981	1,671,000	+ 230,993	+16.0
FY 1982	1,012,403	- 658,597	-39.4
FY 1983	1,261,203	+ 248,800	+24.6
FY 1984	1,261,638	+ 435	+ .0
Change FY 1980-84		-$178,369	-12.4%
Change FY 1979-84		-$307,083	-19.6%

Source: Comprehensive Annual Report of the Comptroller

Beginning with the 1984-85 school year, the State Education Department returned to requesting proposals in a competitive process in order to target funds and ensure that all grants were substantial enough to make an impact. Thus last year, the funds were targeted to Two-Way Bilingual Programs,* technical assistance

* Programs for both language minority students and native English speakers learning a foreign language.

and staff development. New York City received grants for Two-Way Bilingual Programs in six Community School Districts, and two high schools. In addition, two grants were made to the Office of Bilingual Education for a Technical Assistance Center and training in the area of bilingual early childhood education. For the 1985-86 school year, there should be twice as many Two-Way Bilingual Programs in New York City as a result of the more than 50% increase in funding statewide.

B. Limited English Proficiency Aid

State LEP aid has grown significantly since its inception in 1982 and represents 14 percent of total FY 1985 LEP revenues. However, New York City's claim for LEP aid is based on overestimated numbers of students served. Nevertheless, New York City is still underfunded because LEP students are not counted in the calculation of total operating aid.

According to the original legislation, LEP aid is a reimbursement for existing, not supplemental, LEP services. As part of general operating aid, increases in LEP aid need not fund increased services for language-minority students.

In 1981, the State Legislature amended the State Education Law to provide Limited English Proficiency Aid to districts beginning with the 1981-82 school year. As explained in Chapter One, this was accompanied by a move to establish state standards for bilingual programs. LEP Aid is available only to those districts which meet state standards as outlined in Part 154 of the Commissioner's Regulations. In fact, approximately 100 districts, all with extremely small LEP populations totalling less than 7,000 pupils, do not even apply for LEP aid because they do not wish to establish bilingual programs in compliance with Part 154. As noted earlier, Part 154 specifically exempts New York City, because it is subject to a court order and an agreement with the U.S. Office of Civil Rights, as long as the Board of Education is in compliance with both the

Consent Decree and the Lau Plan. LEP aid is figured as a proportion of the general per capita aid for all students, initially an additional 5% in FY 1982, and now an additional 12%.

During the period ending in FY 1984, which this study has examined, LEP aid for New York City increased by more than a million dollars, or 39.3%. (See Table 9.)

Table 9

State Limited English Proficiency Aid for New York City
FY 1979-84

Year	Amount	Change from Previous Year $	Change from Previous Year %
FY 1979	---		
FY 1980	---		
FY 1981	---		
FY 1982*	$3,110,827	+$ 287,533	+ 9.2%
FY 1983	$3,398,360		
FY 1984	4,334,083	+$ 935,723	+27.5%
Change FY 1979-84		+$4,334,083	Not Applicable
Change FY 1980-84		+$4,334,083	Not Applicable

* First year LEP aid allocated

Source: Comprehensive Annual Report of the Comptroller
State Aid Claims

However, considering the newness of this aid and recent legislative changes, it is useful to highlight the period from the inception of LEP aid, FY 1982, through the current year, FY 1986 (see Table 10). Using the estimated aid for FY 1986, there is almost a 360% increase in funding, from $3.1 million to more than $14 million. As detailed in Table 11, the increase is the result of three factors. First, New York City is claiming 37% more students participating in programs. There is some question about these figures. Although the legislation requires student participation in programs in compliance

Table 10

STATE LIMITED ENGLISH PROFICIENCY AID
FY 1982-86

	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986*	Change 1982-86 $	Change 1982-86 %
Total Aid for NYC	$3,110,827	$3,399,694	$4,334,083	$9,891,778	$14,274,315	+$11,163,488	+358.9%
Total # Pupils Claimed	66,713	66,713	79,437	82,514	91,233	+24,520	+36.8%
Weighting Used in Formula	.05	.05	.05	.10	.12	+.07	+140.0%
Aid Per LEP Student Claimed	$46.63	$50.96	$54.16	$119.88	$156.46	+$109.83	+235.5%

Note: Aid is based on number of students served in previous year, except for FY 1982, when enrollment for that year was used.

* Estimated

Source: State Aid Claims

with mandates[24], the Board's submission has been adjusted from the number of entitled students, an inflated figure[25]. For example, FY 1986 aid, based on previous year registers, claimed for more than 91,000 students. However, according to BESIS, although 113,000 students were entitled to services, less than 70,000 were actually "participating" in programs. If only these students were claimed, FY 1986 aid would be reduced by $3,405,509 (24%) to $10,868,806. This would still represent an increase of almost 250% over the FY 1982 aid. The BESIS figures do not include LEP special education students. There are several thousand such students who receive bilingual services and who should generate aid, slightly offsetting this reduction.

The second reason for the increase in aid is the general increase in per pupil funding by the state to cover cost increases. The final reason is the important legislative action to increase the "weightings" in the formula. In FY 1982, LEP students generated an additional 5% in state aid over and above their per capita operating aid. By FY 1986, this increased to an additional 12%, almost one and a half times the original weighting. These second two factors combined to create the 236% increase in LEP aid per student.

LEP aid has been the focus of a series of questions regarding the supplemental and categorical nature of the aid. The fact is, according to the original legislation, LEP aid is neither categorical, nor does it require that new supplemental services be provided. It is a necessary adjustment to the general operating aid formula

to account for the costs of services already required and provided for these students.

These issues go to the basic financial structure of the New York City public schools, and require some background information. Unlike most non-city school systems, the Board of Education in New York City is dependent on the city to raise local revenues and its funds are incorporated within the city's budget and financial plan, even though the Board is autonomous and technically not a city agency. State education aid falls into two basic categories -- general operating aid and categorical programs. By far the largest amount, approximately $1 billion for New York City, is general operating aid provided by formula to all school districts in the state.

Education is a state responsibility, according to the state constitution. The state government fulfills this responsibility through fiscal support of public schools representing approximately forty percent of total public education expenditures in the state. While the state, through the Legislature, Regents, and Commissioner of Education, establishes guidelines and requirements, much authority and administrative responsibility devolves to the more than 700 local school districts. As a demonstration of this balance of state and local control, general operating aid to support public schools has few strings attached. Funds may be used for general expenses, and need not be maintained or tracked separately from local revenues. There are no requirements to provide program or financial reports on the use of the funds (although there is state

monitoring to ensure that public schools meet all state requirements and mandates).

Categorical funds, in contrast, are provided by the state legislature to fund specific programs. These funds, depending on the specific legislation and regulations, must be maintained in separate financial accounts, and expenditures must be tracked and reported to the state. Often, these grants are accompanied by a requirement that they provide supplemental services, that is services over and above those programs funded with local revenues. State funds may not be used to replace local funding for pre-existing programs or basic, mandated services in such cases.

Since New York City is a dependent school district, the school budget is intertwined with the city's budget. Just as in any school district, categorical funds (such as textbook aid) received by the city are allocated to the Board of Education's budget and maintained in discrete accounts for reporting purposes. In certain cases, such as Bilingual Categorical Programs, the funding is not citywide and the funds are also passed intact to the appropriate community school district for the designated special purpose.

However, general operating aid is a revenue for the city budget and need not be distinguished from local revenues when it is spent. Just as independent school districts, the city takes the state operating aid and adds local tax revenues to support the school system. The amount of local revenues is determined by local decisions on the most desirable level of services, available revenues and rate of taxation. Independent school districts may use state operating aid to reduce the need for local revenues and

avoid raising local taxes. Similarly, in the dependent school districts, the city may decide to use state revenue to reduce city support for the schools, either to avoid raising taxes or to divert local funds from education to other services. State legislators are concerned that their efforts to increase state aid for education do not result in increases in services for students, but merely allow the city to withdraw funds. The EPP has tracked this issue since 1979, and, in fact, total expenditures for education in New York City have increased faster than state revenues for education. Local funds have been used to replace federal cuts and restore services slashed during the fiscal crisis. Both state and local revenue increases have been necessary just to cover the increased costs from year to year of providing the same services as salaries rise, as the number of students increases, and mandates are implemented[26].

This general concern about the impact on services of increases in state aid translates into a focus on the impact of LEP aid. This concern has been raised by state legislators, state education officials, Board of Education personnel, and staff at local schools. A primary objective of this study was to resolve this issue.

First and foremost, LEP aid is not categorical funding. These funds are part of general operating aid. In fact, LEP aid was not instituted to fund new or supplemental programs, but to "reimburse" school districts for the financial burden they were presumed to be carrying in order to provide mandated services.

A look at the genesis of this aid supports this conclusion. Since it is more expensive to educate some children than others,

certain groups of children count as more or less than one in the formula that governs the distribution of state operating aid. Following a study for the New York State Task Force on Equity and Excellence (known as the Rubin Task Force)[27] a constituency grew to increase the weightings for students requiring special services (both remediation and bilingual education) in order to recognize the financial burden of those local districts providing the services and to demonstrate state responsibility towards meeting their special needs. At this point, bilingual services had been required in New York City for more than five years and presumably, the city was expending local funds to provide appropriate programs. The legislation requires that LEP aid be provided for students participating in programs approved by the Commissioner in accordance with state regulations. Technically, the law, as it was written in 1981, does not even require that LEP aid be restricted for use for these programs (as in the case of PSEN aid, see p. 60) but only that school districts are "entitled to aid for conducting programs"[28] for LEP students. Since New York City's mandated programs fulfill Part 154 regulations, LEP aid provides aid for mandated, basic bilingual programs. There is no legislative requirement that these funds be used for supplemental services or that service levels increase as a result of new funding. In fact, Part 154 Regulations do not require submission of budget or expenditure data as part of a district's Comprehensive Plan (although information is requested in conjunction with other compensatory programs, see p. 59). State monitoring focuses solely on program compliance, disregarding financial issues (see Chapter Five).

LEP aid has increased significantly since its inception. However, these increases still need not produce new services. In fact, the initial study demonstrated that school districts spend 15% more for each LEP student than for a student requiring remediation who is proficient in English. (LEP students also generate additional PSEN aid for remedial services, see p. 57). The weighting has been increased significantly, from an additional 5% to an additional 12% for FY 1986. Unfortunately, these increases still do not extend beyond the excess cost presumably being paid by the city for mandated services. Thus increases in LEP aid are desirable and necessary to reimburse districts for already incurred costs. However, they are not a means to increase services, based on the original legislation.

In terms of the equity of the basic operating aid formula, there is a peculiar quirk regarding LEP aid which inhibits its ability to effectively equalize districts' ability to pay for education. To do this there is a component in the formula that measures the wealth of each district. This wealth measure divides a district's total property and income wealth by the number of students in a district to calculate the amount of local revenue available per student. Richer districts with more local resources per student receive less aid. Obviously, if two districts have the same revenues to tap but one has more students to serve, it is actually poorer relative to the other district. The pupil count used to calculate the wealth measure includes the weightings for students requiring additional special services that absorb local resources. However, LEP aid is figured as a second step to the

calculations for operating aid. Therefore, the extra 12 percent per student LEP weightings (as opposed to PSEN weightings, for example) are not included in the wealth measure, although mandated services require local resources. This unfairly reduces New York City's overall aid by almost $10 million in FY 1986. (See Appendix A for calculations.)

C. PSEN Aid

- State remedial funds, accounting for 20 percent of 1985 funds targeted for LEP students, have almost tripled since 1980. They may be used for ESL services and remediation in either English or the student's native language.

As discussed in Chapter I, the New York State Legislature initiated funding for Pupils with Special Educational Needs (PSEN) in 1974. PSEN funds are provided as part of general operating aid through additional weightings in the pupil count. These funds are provided to cover the additional costs incurred by local districts in order to provide special assistance in basic skills. PSEN aid was initiated in response to declining scores on State PEP (Pupil Evaluation Program) tests in the early 1970s. These tests are administered to students in the third and sixth grade. The number of students who score below the state reference point in a specific year is used to calculate a "PEP percent" for the entire school district. Since 1974, this figure, for aid purposes only, has included students who are limited English proficient and also deficient in reading or math as well as those who are excused from the test because they have only limited English proficiency[29]. In New York City, students who have been in an English-language school system for less than one year are excused from the tests

(although state regulations allow all students who have been in an English-language school system for less than 20 months in be excused). The exclusion has two purposes. First, it would be inappropriate to label students as deficient in basic skills if their lack of proficiency merely reflects a lack of skill in the English language. Second, schools and school districts should not be labeled as failing to teach basic skills if students are new arrivals. Thus, the number of students who are excused from the test is not included in PEP scores for program monitoring purposes, but these students are included for aid purposes. They are eligible for PSEN-funded services, which may include ESL or bilingual remedial math or reading.

Therefore, LEP students, if they are excused from the test or score below the state reference point, generate both PSEN aid and LEP aid. PSEN weightings have increased over the years. Currently, in line with the research for the Rubin Task Force cited earlier, PSEN students receive an additional 25% weighting for operating aid calculations. Thus, LEP students who receive both weightings will generate an additional 37% (25% PSEN and 12% LEP) aid beginning with the 1985-86 school year, very close to the total of 40% recommended by the Rubin Task Force.

Although the weightings now reflect close to actual relative costs, state aid still only provides 40% of total education expenditures. Therefore, the absolute dollars which are generated do not cover the actual cost of services. Thus, although LEP students are eligible for PSEN services, the state does not require that they receive PSEN-funded services per se. Rather, the state requires

that all eligible students (scoring below the reference point or, "who by reason of limited English proficiency are unable to attain a score above the statewide reference point"[30]) receive appropriate services from either federal, state, or local funds. PSEN aid must be used for approved services for eligible students as one component of a "Comprehensive District Plan for Compensatory Programs," which includes remedial and bilingual services. Thus, PSEN aid (unlike Chapter I but like Title VII) may be used for basic ESL services required by the Consent Decree and Lau Plan. PSEN aid is also available for reading and math remediation in either English or a student's native language. These funds may be used to cover any excess costs of mandated bilingual programs, but they need not be used for LEP students as long as these youngsters are receiving all required services.

One final point regarding PSEN mandates. Unlike the LEP legislation, Section 3602, Subdivision 10 requires that districts report annually on the expenditure of the previous year's funds and submit plans for the next year, which, according to regulations, must include a specific budget. Districts are specifically required to use the PSEN funds for authorized programs with sanctions for inappropriate expenditures. Thus, since 1981-82 (as a result of a state audit), PSEN funds, unlike LEP aid, have been treated as categorical funds by the city. Even though the aid is calculated through the operating aid formula, it is passed as a discrete appropriation to the Board of Education budget.

Traditionally, PSEN and Chapter I funds have been used for integrated remedial programs. As with Chapter I, the Bureau of Bilingual

Education at the State Education Department reviews PSEN plans for services to LEP students. For this study, their "Directory of Bilingual Programs in New York State" was examined to identify PSEN expenditures for LEP students (see Table 11 and Appendix Table 2)

Table 11

State PSEN Aid for LEP Services

Year	Amount	Change from Previous Year $	Change from Previous Year %
FY 1979	Not Available		
FY 1980	$ 4,522,024	Not Applicable	
FY 1981	5,010,312	+$ 488,288	+ 10.8%
FY 1982	6,851,900	+ 1,841,588	+ 36.8
FY 1983	9,746,382	+ 2,894,482	+ 42.2
FY 1984	13,075,485	+ 3,329,103	+ 34.2
Change 1980-84		+$8,553,461	+189.2%

Source: "Directory of Bilingual Programs in New York State" 1979-80 -- 1983-84, Bureau of Bilingual Education

which total $13 million. As with Chapter I funds, the amount of PSEN money targeted for LEP students has grown dramatically, and even more steadily, from FY 1979 through FY 1984. The four-year increase of more than $8.5 million is just slightly greater than the increase in Chapter I over the same period. However, considering the much smaller base-line of support (only $4.5 million) in FY 1980, the proportional increase for PSEN is almost 190% or almost four times that for Chapter I targeted aid. In FY 1980 Chaper I targeted aid was more than three times PSEN aid for LEP services. By FY 1984, this gap was reduced and Chapter I funds were only twice that from PSEN. Total Chapter I funds are also approximately double PSEN

totals. Through FY 1985, PSEN aid targeted for LEP services has exceeded LEP aid. However, recent increases in LEP aid have narrowed the gap and by FY 1986, LEP aid will probably exceed targeted PSEN aid for the first time. The targeted allocations for LEP students have also increased as a proportion of total PSEN aid. In FY 1982, the first year PSEN aid was itemized as categorical funding, services for LEP students represented 8.3% of the total. By FY 1984, they represented 14.2%.

Appendix Table 2 provides information by community school district and central division. About 30% fewer districts use PSEN for LEP students than use Chapter I funds. However, the number of districts has grown from 10 in FY 1980 to 17 in FY 1984, while the number of districts using Chapter I aid dropped. In FY 1984, the 17 Districts used from $49,000 to almost $2.7 million in PSEN aid for LEP students, for an average of $585,545. Two districts targeted more than $2 million, but there were no allocations between $1 and $2 million. Eight districts allocated less than $250,000. The high schools targeted almost $3 million in PSEN aid for LEP students. As with Chapter I, only a small amount, $126,000, was available for LEP special education students and this is a recent development.

III. TOTAL TARGETED REVENUES

Non-city funds for LEP students increased by 50 percent between 1980 and 1984. Although the major share of these is federal funds, the state's share has increased. General remedial funds contribute a larger share of funds used for LEP students than funds meant specifically for LEP services.

As can be seen in Table 12, targeted state and federal revenues to New York City have increased significantly from FY 1980 to 1984. A total increase of almost $19 million from $38 million to $57 million

Table 12

Total Targeted Revenues for LEP Services
Change from FY 1980 - FY 1984

	FY 1980	FY 1984	Change $	Change %
Title VII ESEA	$15,356,250	$13,300,000	-$ 2,056,250	- 13.39%
Chap.1/Title I	16,820,241	25,039,952	+ 8,219,711	+ 48.87
State Bilingual Categorical	1,440,007	1,261,638	- 178,369	- 12.39
State LEP	---	4,334,083	+ 4,334,083	N/Ap
State PSEN	4,522,024	13,075,485	+ 8,553,461	+189.15
Total*	$38,138,522	$57,011,158	+$18,872,636	+ 49.48%

* Transition Refugee Aid, accounting for less than 1% of aid in FY 1984 only, is not included.

Source: Tables 4-11

represents approximately a 50% jump. This is particularly impressive considering the federal budget cuts that have prevented education aid generally from rising to cover inflation and fixed cost increases and the actual 13% reduction in Title VII aid for bilingual services. In fact, increases in revenues for LEP services have outstripped the increase in non-city revenues for education (49.48% versus only 34.80%) and the increase in total Board of Education expenditures, 40.49%. However, the number of LEP students receiving services has also increased by approximately 9%, reducing somewhat the impact of these funds which must cover both the rising cost of education services and the growing population. More important, all entitled students are still not receiving services. As will be seen in Chapter Five, the number of entitled students far exceeds the number served.

Finally, as stated at the outset, this analysis has not included city tax levy resources thus far. No record is kept of the total support for bilingual programs provided through general operating funds. However, this is by far the largest single revenue source. It includes the funding for basic instructional services in bilingual programs, which supports more than 64 percent of all bilingual staff. Bilingual classroom teachers are funded through basic allocations, the same way as monolingual teachers. Since these services don't necessarily represent costs over and above that of regular education, they are not isolated in the budget. Nevertheless, such expenditures do represent local financial support for bilingual education. There are several indicators. First, there are special categorical funds provided from the general fund for supplemental services. These will be examined next. Chapter Four will then examine bilingual staffing as a proxy for expenditures.

Table 13 illuminates the shift in responsibility for LEP services. Once clearly a federally-funded program, the balance has begun to shift. This is particularly notable in the case of Title VII, once more than 40% of the total, now less than one-fourth. As discussed above, increases in state LEP aid in FY 1985 and FY 1986 will continue this trend. State targeted revenues represented only 15.54% of the total in FY 1980. By FY 1984, they constituted 32.74%, a figure that will move well above 35% by FY 1986. There are two other interesting points. First, general remedial programs (Chapter I and PSEN) contribute the most to fund LEP services, and were also the fastest growing revenues. Also, while a majority of the funds (State LEP and PSEN and federal Title VII) may be used for mandated services,

Table 13

Targeted Revenues for LEP Services - By Source

	FY 1980	FY 1984
Total Revenues	$38,138,522	$57,011,158
Title VII, ESEA	40.26%	23.33%
Chap.1/Title I	44.10	43.92
Subtotal Federal	84.36%	67.25%
State Bilingual Categorical	3.78	2.21
State LEP	0.00	7.60
State PSEN	11.86	22.93
Subtotal State	15.54%	32.74%
TOTAL	100.00%	99.99%*

* Error due to rounding.

Source: Table 8

more than 45% of the funds, or $26.3 million in FY 1984, must be used to supplement basic services. This is particularly significant if there are still students not receiving their basic entitlements, a local responsibility.

IV. COMMUNITY SCHOOL DISTRICT AND HIGH SCHOOL BILINGUAL ALLOCATIONS

Even before the ASPIRA Consent Decree, the Board of Education earmarked funds from the general operating budget to support bilingual programs. As explained earlier, the Board of Education receives almost 90% of its budget as general funds whether the revenues originated from the city tax levy funds or state general operating aid. The central Board of Education then distributes funds to the Community School Districts and the high schools by formula. Approximately 90% of these funds also are passed along without specific

constraints, as long as the schools meet state and local mandates and guidelines. However, the Chancellor may also reserve funds for special purposes, and, as with categorical state and federal programs, require program plans and a specific accounting of expenditures.

District Bilingual Allocations

° **District Module 5B allocations for supplementary LEP services are based on $130 per capita amount that has remained stable since 1982, despite rising salaries. If it kept pace with rising costs, this allocation should have risen to $150 per student by 1984, and $185 by 1986.**

In 1973-74, according to the earliest extant memoranda, the central Board of Education distributed $3.75 million to the 32 Community School Districts and $1.0 million to the high schools for bilingual education. Ninety percent of the district funds were distributed on a per capita basis for bilingual programs. The balance was used to establish innovative bilingual programs, develop curriculum and training materials, and teacher training activities. High school funds were used for similar purposes. District allocations are made through Module 5B, Special Purposes component of the District Allocation formula[31]. For 1974-75, the allocations were increased 83.3% city-wide (see Table 14) and the district allocation ($8.25 million) was refined to differentiate between students with Moderate Language Difficulty (receiving $57.9/student) and Severe Language Difficulty ($115.8/student). High school funds were distributed as discrete units or categorical funds within the new high school allocation formula, for "Language Handicapped Programs." Total funding for 1974-75 was $11.0 million.

Table 14

MODULE 5B ALLOCATIONS*
FY 1975-84

Year	Amount	Per Capita Allotment	Change from Previous Year			
			Total		Per Cap	
			$	%	$	%
FY 1975	$8,250,000[a]	$ 57.88[b]/$115.76[b]	+$4,500,000	+120.0%	NAP	NAP
FY 1979	6,648,000	62.97/125.94	0	0	NAP	NAP
FY 1980	6,648,000	61.05/122.10	0	0	NAP	NAP
FY 1981	6,588,000	120[c]	-60,000	-.9	NAP	NAP
FY 1982	7,000,000	130[d]	+412,000	+6.3	+$10[e]	+8.3
FY 1983	6,319,300	130	-680,700	-9.7	0	0
FY 1984	5,849,610	130	-469,690	-7.4	0	0
Change						
FY 1979-84			$798,390	-12.0%	NA	NA
FY 1980-84			- 798,390	-12.0	NA	NA
FY 1975-84			+ 2,400,390	-29.1	+$51.83	+66.3%

* Note: These are allocations, not final expenditures.

[a] Includes 10 percent allotment for innovative programs, training and curriculum development.

[b] From FY 1975 through FY 1980, funding was distributed for all entitled students. Those scoring at the 10th percentile or below on the LAB received twice the funding for those scoring between the 10th and 20th percentile.

[c] $120 for each "participating student plus $60 for each "option" student receiving ESL only.

[d] Beginning with FY 1982, funds were provided only to students participating in either full bilingual or ESL programs.

[e] Increase of $40 over average per capita of previous year.

Source: Community School District Allocation Formulae

As noted above, 1975-76, the first year of full implementation of the Consent Decree, was also the height of the fiscal crisis and the resulting budget cuts. By the beginning of the 1976-77 school year, Module 5B allocations had been cut by almost 20% to $6.648 million and high school allocations were down by almost 30%. From FY 1977 through FY 1980, Module 5B allocations remained constant at $6,648,000 regardless of rising salaries or changes in the number of students. Per capita funding was approximately $60 per student scoring between the 10th and 20th percentile on the LAB and $120 per student scoring at the 10th percentile and below. The exact per capita shifted depending on the number of students but there were no dramatic changes during this period.

These funds were supplementary in nature and not to be used to supplant funds already available. In other words, districts were supposed to provide all mandated bilingual and ESL classes with their basic instructional allocations, Title VII funds, and State PSEN funds. Module 5B was to fund additional services above and beyond the basic subject and ESL classes, such as support services, curriculum development, family workers, etc. It is now impossible to review early programs. However, it is likely that teacher shortages and increasing class size made it difficult to impossible in some cases to provide separate bilingual subject classes or regular ESL services except those funded with state and federal funds or in schools with large concentrations of LEP students.

For the 1980-81 school year, the Chancellor moved to take closer control of bilingual programs. The first steps were to limit Module 5B funds to students participating in programs, to

improve data on entitlement and participation, and eventually to determine actual program costs. For FY 1981, Module 5B allocations were established at $120/student participating in a bilingual program and $60/student whose parents had declined bilingual program offerings. Chancellor's Memorandum No. 12, 1980-81, "Plan for the Utilization of the Supplemental Allocation for Bilingual Education: Module 5B for Limited English Proficiency," outlines the basic mandated instructional services and offers examples of supplementary services: bilingual supervisor, LAB testing coordinator, Lau/Consent Decree contact person, bilingual guidance counselor, bilingual teacher in school/community relations, bilingual teacher trainer, bilingual curriculum specialist, bilingual resource teacher, bilingual classroom teacher (who could not otherwise be funded through basic tax levy allocation), bilingual educational assistant, family assistant, family worker, or neighborhood school worker, or bilingual secretarial/clerical help.

For FY 1982, the per capita allocation was increased to $130 for participating students in approved bilingual programs only. At the same time, the Office of Bilingual Education began to design and implement the Bilingual Education Student Information System (BESIS) to maintain accurate data on student eligibility and program participation. By FY 1984, Module 5B allocations dropped to $5.8 million, based on a stable $130 per capita allotment. This was 12% below the FY 1979 level and 29% below the peak level in 1975.

For FY 1985, final Module 5B allocations rose dramatically by more than $1.5 million over initial allocations based on BESIS reporting. This reflects an increase in the number of students

documented as participating in Bilingual Programs. However, there is considerable question as to whether it represents an actual growth in either services or the number participating, since accounting practices and definitions have changed over the years. Beginning with FY 1984, more detailed reporting has been required and for FY 1985, the Office of Bilingual Education began to develop District Profiles, covering student participation, staffing and funding. Unfortunately, these profiles, as well as the budget and expenditure forms for Module 5B funds cover only 5B supplemental funds. They do not include basic city tax levy expenditures for mandated instructional services.

In addition to the basic monitoring questions raised by the variation in Module 5B over the years, there is a financial question. Module 5B will grow, or decline, based on the size of the LEP population. As BESIS becomes more accurate, so will the allocations. The most important point is that, regardless of the easing of the fiscal crisis, the per capita allotment has remained at $130 for five years. This amount purchases fewer and fewer supplemental services as salaries increase. The basic instructional allotments to the districts reflect average teacher salaries to respond to this issue, but 5B allotments do not. Without a fixed cost inflator, these funds will eventually be too small to provide services or to exert any leverage over the community school districts. If the per capita allotment grew at the same rate from FY 1982 to FY 1984 (when the formula for calculating the aid was consistent), as average teacher salaries, the per capita allocation would rise by 20.4%. This would have required a per capita allocation of $156.52,

or $7,042,930, a total increase of $1,193,320. By next year, FY 1987, teachers' salaries will increase by 18.7% over FY 1984 according to the union contract. This should increase the per capita to $185.79 instead of $130.

High School Allocations

High school allocations, in contrast to district allocations, are adjusted for rising costs, but not for the increased number of entitled students. This has prevented high schools from expanding the number of LEP students receiving services. There seems to be no consistent rationale for the amount of money granted to individual high schools.

The high school allocations for "Language Handicap Programs" suffer from the opposite affliction. The high schools receive their resources as units, instead of dollars, which are pegged to reflect an average high school teacher's salary. Since the fiscal crisis, the Division of High Schools has distributed 80.2 units for supplementary services to LEP students to augment mandated services. This is sufficient to provide a constant level of services, either 80 teachers or a combination of different personnel titles with equivalent salaries. In terms of dollars, this represents a 63.1% increase from FY 1979-84. (See Table 15.)

However, this disregards any increases in the number of entitled students, which rose from 12,643 in FY 1983 to 17,884 in FY 1984, an increase of 41%. If 41% more units were distributed in FY 1984, this would require an additional 33 units, costing $1,039,500. By FY 1985, the entitled population rose to over 27,000 students according to BESIS although only 12,330 were participating in programs (slightly lower than the FY 1983 figure). It is fair to

Table 15

HIGH SCHOOL ALLOTMENTS FOR LANGUAGE HANDICAPPED PROGRAMS
FY 1979-1984

Year	Amount*	Change from Previous Year $	Change from Previous Year %
FY 1975	$2,000,000	+$100,000	100.0%
FY 1979	1,539,840	+ 8,822	+ .6
FY 1980	1,684,200	+ 135,538	+ 8.8
FY 1981	1,752,370	+ 68,170	+ 4.1
FY 1982	2,013,020	+ 260,650	+ 14.9
FY 1983	2,147,756	+ 134,736	+ 6.7
FY 1984	2,526,300	+ 378,544	+ 17.6
Change			
FY 1979-84		+$977,638	+ 63.1%
FY 1980-84		+$842,100	+ 50.0
FY 1975-84		+$526,300	+ 26.3

* Based on unit worth (average high school teacher's salary) multiplied by 80.2 units except for FY 1975, based on memo, OBOR.

Source: Board of Education, Division of High Schools

assume that one of the reasons why participation has remained stable is that there has been no increase in the city tax levy funds identified for bilingual programs. High schools are asked to submit staffing and expenditures for all bilingual programs (not just suplemental services), but these data are not aggregated or reviewed in conjunction with program monitoring.

In fact, although the units are supposed to be distributed according to registers, the actual funding pattern is erratic. (See Appendix Table 3.) In 1984-85, 80 out of 110 high schools received "language handicapped" units, each school receiving anywhere from .2 to 5.0 units. Seven of the schools receiving funds have no bilingual

programs and provide ESL only. Four schools which do offer bilingual services receive no units. The others all provide at least some bilingual services. The categorical funding ranges from $40.26 to $183.46 per entitled student for an average of $92.91 per entitled student in a funded school. The average is $85 per entitled student if all high school students are considered. One of the reasons for the variations is that units must be distributed in increments of at least .2, or $6,100 in 1984-85. Therefore, small adjustments are impossible and it is difficult to maintain equity. In addition, since the amount of money available is limited, choices must be made among schools entitled to funding. However, there appear to be no criteria for those choices, which are made by the Office of Bilingual Education.

This detailed review of revenues is crucial as revenues determine the level of services. The next chapter will summarize expenditures and staffing, and Chapter Five will review program participation.

CHAPTER FOUR

EXPENDITURES AND STAFFING

Budget Data

- The Board of Education keeps no central record of basic city-tax-levy-funded expenditures or staffing for LEP services; therefore, there is no way to tell how much is actually spent for LEP students.

Despite the increased staffing in many central offices since the decline of the fiscal crisis, the Board has not increased staffing at the Office of Bilingual Education. The Office has only six people to monitor school compliance on-site.

Now that we have reviewed the available revenues, the next logical question is: What do these funds buy? Unfortunately, it is impossible to identify total expenditures for LEP students from currently available data. The Board of Education's budget is not structured, by and large, by program area. Instead, it is tracked by office or division. The central budget for the Community School Districts is organized so that aggregate expenditures city-wide can be monitored and districts can be prevented from overspending their total allocations. A similar situation exists for the Division of High Schools. In other words, the budget is not used to examine expenditures among various programs. Districts are asked to identify the use of Module 5B supplemental funds for bilingual education, and high schools identify personnel paid with "language handicapped" units. However, beyond these funds, there is no reason for a district or high school to distinguish bilingual classroom teachers from any other classroom teachers.

Although the budget does contain special codes for bilingual teachers and guidance counselors, these are used only to document the use of city-wide tax levy categorical funds. In 1984-85, less

than 30 percent of full-time, licensed bilingual teachers were identified in the budget. Appendix Table 4 presents an examination of the Modified Budget as it appears in the Mayor's Executive Budget annually from FY 1979 to FY 1985. Although not final figures, these data are consistent from year to year, representing the budget condition at the beginning of the second semester. Each year, anywhere from several hundred thousand to almost $4 million in reimbursable funds have not yet been scheduled by mid-year. In most cases, this does not mean that programs have not been started (though this is possible), but merely that the paperwork to distribute funds to specific budget lines is not completed.

Even with these difficulties, some information may be gleaned from these documents:

- The Central Office of Bilingual Education (OBE) has remained relatively stable, increasing from 27 to 31 tax levy positions in six years after an initial decline in FY 1980. Only six conduct school site visits.

- The tax levy budget for OBE has increased by more than 40% during this time period as salaries increased.

- The number of bilingual personnel identified in the Division of High Schools' budget increased in FY 1985 for the first time in four years. During that time, the budget reflected only the 80 units distributed for supplemental language-handicapped programs. The increase to 103 brings the personnel level almost back to the FY 1980 level of 115.

- District bilingual personnel levels and budgets have shifted erratically in the budget. It is unlikely that these shifts reflect service levels. Most likely they result from varying bookkeeping practices or the ebb and flow of interest in documenting bilingual expenditures locally or centrally.

Although actual expenditures are not available, there are more useful data on staff levels, such as the School and District

Data Reports submitted to the Office of Bilingual Education. Besides summary student program participation information, these reports include a personnel summary. Basic city tax levy expenditures are not included, but the number of personnel is provided by title and funding source. Personnel covered include bilingual supervisors, district bilingual administrative staff, coordinators and curriculum developers, teachers (by license), guidance counselors, and paraprofessionals.

District Tax Levy Support for LEP Services

- Most bilingual staff are funded with city tax-levy funds, demonstrating that, over all, the city does not use non-city funds for basic services. However, many districts are using little or no city funds for bilingual programs; apparently they are using state and federal funds for basic services, which may be in violation of the acceptable uses of some of those funds.

Table 16

DISTRICT STAFF BY FUNDING SOURCE
(See Appendix Table 5 for Detail)
1984-85

	Total	City Tax Levy	Module 5B	Title VII	Chapter I	PSEN	Other
Number	3,169.2	2,029.05	225.95	146.20	506.00	226.80	35.20
% of Total	100.00%	64.02%	7.13%	4.61%	15.97%	7.16%	1.11%
# of Districts	32	31	31	23	26	17	14

Source: District Data Reports, Office of Bilingual Education

Table 16 provides summary data for 1984-85 the Community School Districts by funding category -- basic City Tax Levy, Module 5B, Title VII, Chapter I, PSEN, and Other (includes State Categorical

Bilingual Grants, Federal Transition Refugee Aid, and special categorical grants). It reveals the following:

- City-wide, the districts support almost two-thirds (64%) of bilingual program staff with basic city tax levy funds. Clearly, districts are using their general allocations to provide mandated instructional services.

- Tax levy support varies significantly, from zero to 100% of program staff. Four districts fund less than 10% of their staff positions with basic tax levy funds, making it doubtful that they comply with either the mandates or the supplemental provision of federal and state funds.

- Another six districts fund less than half of their bilingual programs with tax levy funds. Five of these districts are among the minority of districts receiving "other" categorical grants. Four of them support a relatively high proportion of their programs with PSEN funds, which are available for mandated services. However, there remain questions as to whether supplemental funds are supplanting basic support.

- Module 5B, categorical tax levy funds, support only 7% of total program staff. The range is from 0% to 38%, but only 12 districts support 10% or more of their staff from this limited funding pool.

- City-wide, Title VII supports even fewer staff, less than 5% of the total. Nine districts claim no Title VII funding for personnel. Only eight districts support more than 10% of their staff with these funds, but one district depends on Title VII for more than three-fourths of their program.

- As was evident in the review of revenues, Chapter 1 funds are critical resources for LEP programs in terms of amount, although they must be used for supplemental services. City-wide, they support almost one-sixth (15.97%) of program staff, twice as much as Module 5B or PSEN. Six districts either do not allocate Chapter 1 funds to LEP programs or have no Chapter 1 funding. Twenty-one districts fund more than 10% of their program staff with Chapter 1, eight districts fund more than one-fourth.

- Staff are funded from PSEN allocations in only slightly more than half of the districts (17),even though these funds can be used towards mandated services with excess

costs. Thus, although the city-wide average is just over 7%, those districts who use PSEN funds are more dependent. The unweighted average for these districts is 18.45%.

- Only 14 districts identified special categorical funding, supporting barely more than 1% of program staff.

The high schools submit even more detailed information to the High School Division, including actual city tax levy expenditures. However, these data are not aggregated, nor are they reviewed by the Office of Bilingual Education.

Licensed Personnel

° There is a severe shortage of licensed bilingual teachers. While 12 percent of students are LEP, barely more than four percent of teachers are licensed in bilingual areas. While critical at all levels, the worst understaffing is in high school subjects.

A second source of data on staffing is the Division of Personnel's computerized Human Resources System. HRS maintains information on active personnel by license (see Table 17), a total of 2,645 licensed bilingual and ESL teachers and guidance counselors. These individuals are not necessarily teaching in bilingual or ESL programs, and there are school personnel who teach bilingual classes but do not carry a bilingual or ESL license. However, while not exact, this information describes the available personnel who are properly licensed. Also, comparing these data to those submitted by the Community School Districts, they seem comparable. The districts report slightly more than 3,000 personnel in bilingual programs in total, including supervisory and paraprofessionals. The HRS data do not include paraprofessionals (common in reimbursable programs). The HRS data show approximately 2,400 district bilingual teachers.

Table 17

LICENSED BILINGUAL TEACHERS AND GUIDANCE COUNSELORS
BY LICENSE

TEACHER	ESL	Spanish	French	Chinese	Greek	Italian	Korean	Mandarin	Japanese	Arabic	Day Elementary School	TOTAL
B/Common Branch	0	1750	47	32	14	25	3	2	1	0	16	1890
B/Comm'ty Relatns	0	29	4	1	0	1	0	0	0	0	0	35
B/Science	0	8	5	2	0	0	0	0	0	0	0	15
	0	7	0	1	0	0	0	0	0	0	0	8
	0	14	0	1	0	0	0	0	0	0	0	15
JHS	0	11	0	0	0	0	0	0	0	0	0	11
B/Math	0	27	1	1	0	0	0	0	0	0	0	29
JHS	0	19	0	0	0	0	0	0	0	0	0	19
B/SocSt	0	59	4	5	0	0	2	2	1	1	0	74
JHS	0	30	0	0	0	0	0	0	0	0	0	30
B/Early Childhood	0	85	3	0	0	0	0	0	0	0	0	88
B/SpecEd												
CRMD	0	19	0	0	0	0	0	0	0	0	0	19
EH	0	28	0	0	0	0	0	0	0	0	0	28
Speech	0	3	0	0	0	0	0	0	0	0	0	3
HC	0	62	0	0	0	0	0	0	0	0	0	62
B/PhysEd	0	1	0	0	0	0	0	0	0	0	0	1
B/FineArt	0	1	0	0	0	0	0	0	0	0	0	1
ESL	186	0	0	0	0	0	0	0	0	0	0	186
TotalTchr	186	2153	64	43	14	26	5	4	2	1	16	2514
Guidance Counselor	0	46	0	5	1	0	0	0	0	0	5	57
HS	0	70	0	2	0	2	0	0	0	0	0	74
GRAND TOTAL	186	2269	64	50	15	28	5	4	2	1	21	2645

Source: Human Resource System, Division of Personnel as of June 1985.

- There are a total of 2,514 bilingual and ESL teachers, 4.3 percent of the school system's teaching staff.

- Spanish Bilingual Teachers represent 85.6% of the total teachers (92.5% if ESL teachers are excluded) approximately 20% higher than the proportion of Spanish-speaking LEP students.

- Personnel are licensed only in eight other languages: French, Chinese-Cantonese, Greek, Italian, Korean, Mandarin, Japanese, and Arabic.

- There are bilingual teachers speaking languages other than Spanish only in four major license areas -- Common Branch (primary school teachers), Community Relations, plus a handful in social studies and science.

- Only 5.69% of all bilingual teachers have high school licenses, and only 4.46% are accredited to teach special education.

- There are more than 27,000 entitled LEP students in the high schools, but only 38 bilingual science teachers, 29 bilingual math teachers, and 74 bilingual social studies teachers. With a maximum class load of 170 per high school teacher, only 6,460 LEP students will be in a bilingual science class (23.8% of the total), 4,930 in bilingual math classes (18.1% of the total), and 12,580 students can be in bilingual social studies classes taught by licensed teachers (46.3%). Again, bilingual classes may be taught by teachers who are bilingual but do not hold bilingual licenses. However, that is not common enough to provide anywhere near the necessary level of services.

- The most common license is the bilingual common branch license for primary school teachers. There are 1,890 teachers plus 88 bilingual early childhood teachers available for the districts. At an average class size of 25 (considering the mandate to create a class for every 25 students), almost 50,000 students could receive full bilingual programs if all of these teachers are teaching in license. This could accommodate 57.1% of the entitled students in the districts. There are also another 60 bilingual teachers with junior high school subject area licenses.

- There are 186 ESL teachers. Bilingual teachers may provide ESL as well within a full bilingual program. These ESL teachers are required to serve the more than 29,000 students in ESL-only programs plus provide additional ESL services in Chapter I programs for

students needing extra attention. Just to cover the students in ESL-only programs would require an average caseload of 158 students per teacher and preclude daily classes of less than 31 students.

- There are only 131 licensed bilingual guidance counselors, although there may be additional guidance counselors who are bilingual. Otherwise, each bilingual guidance counselor would have a caseload of 869 students, high even for New York City, especially considering these students' special needs.

- There are also 35 bilingual teachers of Community Relations who provide support services in their work with parents and the community.

- Only 87.7% of all these bilingual personnel are regular employees. The rest are certified substitutes, though they are working full-time. Substitutes are most common among special education, science, and social studies licenses, as well as teachers speaking Arabic, Japanese, Korean, French, and Chinese.

There is, no doubt, a dramatic teacher shortage in bilingual license areas. However, according to the Consent Decree and Lau Plan, a student may not be denied services because of personnel difficulties. Are students being denied services? The next chapter explores this question.

CHAPTER FIVE

PROGRAM PARTICIPATION

All of the preceding discussion points to one overriding question: Are all students with limited English proficiency receiving appropriate, required services? This question can be answered in two parts. First, there are the mandated services, detailed in Special Circulars 2, 11, and 69, as described in Chapter One. In brief, every entitled student must receive instruction in native language arts, three subjects in their native language, and English as a Second Language (ESL). If there are not sufficient numbers of students with the same native language in a school (at least 25 in two contiguous grades) students may be offered a transfer to another school. Circular 2 encourages districts whose LEP students are dispersed to create magnet programs in order to consolidate enough students to make up a full bilingual class of 25. If there is no transfer option available, if the transfer is refused, or if a parent withdraws a student from a bilingual program, ESL must still be provided. The lack of personnel cannot be used as a reason to deny full bilingual services to a student.

On a second level, appropriate services, necessary to ensure that students learn effectively and achieve their potential, also include the range of support services authorized for Module 5B funds. The full range of support services available to regular students must be available to LEP students in a language they and their parents can understand. Thus, bilingual guidance counselors and family workers are essential. Likewise, program coordinators and

curriculum developers are required to the same degree in bilingual education as in regular education. These supplemental services may be in addition to the instructional requirements of the Consent Decree and Lau Plan, but they are hardly educational frills.

However spartan the mandates may be, they are the single measure of compliance. Although not necessarily adequate, the mandates prescribe a minimum level of services as a baseline. The following analysis is drawn exclusively from the 1984-85 BESIS reports as reported in the "ASPIRA Consent Decree Compliance Report, Addendum to January 31, 1985 Report," submitted April, 1985.

As became clear in preceding chapters, it is difficult to develop historical data on LEP registers. Board of Education reports have not used consistent definitions for program participation and have confused participation with entitlement. The Bilingual Education Student Information System (BESIS) is an attempt to correct these deficiencies. It is based on survey forms issued by the Office of Bilingual Education (OBE) for each child entitled according to the results of the spring LAB tests. The surveys are completed by the districts and high schools and returned to OBE along with additional forms for entering students. However, BESIS has provided useful data only for two complete years. Efforts are underway to ensure that BESIS records all entitled students as well as those participating in programs. This is crucial; otherwise there is no way to monitor compliance at the school and district level. However, the short-term result is that the number of identified entitled students has increased dramatically to 113,831 in 1984-85, an increase of almost 30,000 or 36 percent over the previous year.

In large part, this increase is the result of efforts to ensure that students maintain their entitlement from year-to-year based on LAB scores, regardless of whether districts and high schools continue to identify them for services. Also, in the fall of 1984, screening practices for first graders were changed in a manner likely to increase the number of entitled students.

The Chancellor has indicated in his report card[32] that the data system will be reliable by the end of 1985-86 school year. In the meantime, detailed comparisons from year to year are not possible, and this analysis is confined to the 1984-85 school year for which BESIS has produced the most reliable data to date.

Student Distribution

° The distribution of LEP students among the districts and high schools is very uneven. While for the lower grades the distribution reflects housing patterns, the skewed distribution in the high schools raises serious questions about the failure of many high schools to offer bilingual services.

As can be seen from Table 18*, there is a wide range among the community school districts in both the number and proportion of students entitled to LEP services. These students live in every district, but are concentrated in a relative few.

- Community school districts have anywhere from approximately 450 entitled students to more than 8,500. The district with the largest number of entitled students has almost 20 times the register as the district with the smallest number.

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* City-wide figures for the districts may vary from the totals on the tables in this chapter. The tables do not include IS227, which is under the direct jurisdiction of the Chancellor rather than any Community School District. The six entitled students at IS227 are included in the city-wide figure for the districts.

Table 18

ENTITLED STUDENTS BY DISTRICT AND ENTITLEMENT

District	# Entitled	Proportion of Total Register	CD Number	CD Proportion of Total Entitled	LAU Number	LAU Proportion of Total Entitled
16	459	.043	450	.980	9	.020
26	527	.046	89	.169	438	.831
31	539	.016	277	.514	262	.486
23	733	.059	699	.954	34	.046
5	998	.086	975	.977	23	.023
13	1058	.065	919	.869	139	.131
18	1093	.061	246	.225	847	.775
11	1145	.055	721	.630	424	.370
27	1408	.053	1104	.784	304	.216
29	1421	.066	781	.550	640	.450
3	1500	.128	1265	.843	235	.157
4	1515	.117	1500	.990	15	.010
21	1821	.104	764	.420	1057	.580
22	1835	.082	573	.312	1262	.688
1	2086	.212	1666	.799	420	.201
8	2380	.117	2327	.978	53	.022
25	2427	.125	703	.290	1724	.710
17	2455	.092	1029	.419	1426	.581
28	2767	.139	1531	.553	1236	.447
12	2873	.195	2836	.987	37	.013
7	2935	.227	2914	.993	21	.007
14	3024	.175	2848	.942	176	.058
15	3187	.153	2601	.816	586	.184
20	3597	.164	1600	.445	1997	.555
32	3763	.234	3693	.981	70	.019
2	3901	.224	878	.225	3023	.775
19	4150	.179	3951	.952	199	.048
30	4432	.200	2462	.556	1970	.444
9	5542	.201	5487	.990	55	.010
24	5618	.228	3402	.606	2216	.394
10	6869	.207	5948	.866	921	.134
6	8584	.414	8348	.973	236	.027
District Total	86642		64587		22055	
District Average	2708	.140	2018	.745	689	.255
High Schools	27183	.100	16835	.619	10348	.381

Source: BESIS, 1984-85

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- Even the district with the largest number of entitled students has less than one-third of the high school entitled population.

- The average number of entitled students per district is approximately 2,700.

- Proportionately, LEP students represent from less than two percent of a district's population to more than 40 percent. The average is 14 percent.

- Entitled students represent only 10 percent of the high school population.

- In nine districts, LEP students represent one-fifth or more of the district register; in one district more than one-fourth of the students are Limited English Proficient.

- At the other end of the scale, in 12 districts less than 10 percent of the students are LEP.

- Five districts each have more than five percent of the total LEP register for the districts. These five districts (15.6% of the districts) account for more than one-third (35.8%) of the total district LEP population.

Table 19 displays LEP students in the high schools. Here again, the distribution is very uneven

- Entitled LEP studerts are in virtually all of the 110 high schools (except Townsend Harris, Ralph McKee, City-As-School, Manhattan Center).* However, they are concentrated in the zoned, academic comprehensive schools. Sixty-four high schools received language handicapped units and/or provided bilingual subject classes in 1984-85. Ninety percent of LEP high school students attend only 58.2 percent of the city's high schools.

- These 64 high schools have from 19 to 1,446 LEP students with an average of 384. Seventeen of the high schools have 500 or more entitled students each.

- Fifty-two high schools have fewer than 100 entitled students; and 37 schools have fewer than 50 entitled students.

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* This analysis includes only the city's 110 high schools and not programs such as Auxiliary Services (GED), Outreach and Off-site Substance abuse programs. Of these, only the GED services have a significant bilingual program.

Table 19

ENTITLED STUDENTS IN HIGH SCHOOLS
(on 2 Pages)

High School	Type of School*	Total Entitled	Provide Full or Partial Bil. Prog	Receive Lang.Hand Units
Bronx				
Morris		351	*	*
Taft		473	*	*
Monroe		595	*	*
EChilds		292	*	*
Walton		594	*	*
TRoosevlt		1114	*	*
Clinton		338	*	*
Stevenson		580	*	*
SBronx		366	*	*
JFK		927	*	*
Gompers	Voc	71	*	*
Lehman		76	*	
Columbus		240	*	*
Addams	Voc	114		*
Truman		12		
BxRegionl	Alt	1		
Smith	Voc	33		
Dodge	Voc	47		
Science	Spec	3		
Manhattan				
SewardPk		1446	*	*
Irving		278	*	*
Washingtn		1339	*	*
Brandeis		1109	*	*
Richman		246	*	*
King		224	*	*
ParkEast	Alt	88	*	*
ParkWest		428	*	*
FashInd	Voc	62	*	
LoESideP	Alt	592	*	*
Humanitie	Redesign	23		
Stuyvesnt	Spec	1		
LaGuardia	Spec	10		
WestSide	Alt	12		
Bergtraum	EdOp	16		
Randolph		3		
Chelsea	Voc	22		
Thomas	EdOp	37		
GraphcCom	Voc	77		
Art/Desgn	Voc	17		
Man Voc	Voc	3		
Bacon	Voc	55		
Man Ctr	Redesign			
CityAsSch	Alt			
Queens				
Bowne		715	*	*
ForestHil		271	*	*
Bryant		672	*	*
LIC		422	*	*
Newtown		1298	*	*
Flushing		501	*	*
FarRockwy		133	*	*
Jamaica		214	*	*
Adams		140	*	*
Cleveland		287	*	*
Jackson		168	*	*
Hillcrest		303	*	*
BeachChnl		19	*	

* See following page for notes.

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Table 19 (cont'd.)

High School	Type of School*	Total Entitled	Provide Full or Partial Bil. Prog	Receive Lang. Hand Units
Sprngfld		77	*	*
FLewis		90	*	*
RichmdHil		120		*
Martin	EdOp	5		
Cardozo		59		
VanBuren		59		
Bayside		82		
MidColleg	Alt	4		
QnsVoc	Voc	28		
Aviation	Voc	16		
Edison	Voc	18		
TownsdHar				
Brooklyn				
Lafayette		206	*	*
Lane		376	*	*
Madison		147	*	*
Jefferson		217	*	*
ProspctHt		133	*	*
NewUtrect		318	*	*
Boys/Girl		110	*	*
Jay		452	*	*
Erasmus		728	*	*
Wingate		450	*	*
EastrnDt		816	*	*
Bushwick		577	*	*
FtHamlton		488	*	*
Canarsie		72	*	
FDR		542	*	*
SShore		213	*	*
Hale		359	*	*
Maxwell	Voc	121	*	*
Tilden		309	*	*
Lincoln		176		*
Midwood		143		*
Sheepshed		171		*
BiTech	Spec	9		
BayRidge	Redesign	36		
Pacific	Alt	6		
Murrow	EdOp	37		
Dewey	EdOp	62		
Redirectn	Alt	15		
SatlteAca	Alt	2		
Barton	EdOp	46		
Westinghs	Voc	20		
Automotiv	Voc	24		
ENY	Voc	76		
Grady	Voc	24		
Hamilton	Redesign	12		
Whitney	Voc	38		
SI				
Curtis		55		*
Tottenvil		36		*
New Dorp		12		
PtRichmnd		34		
Wagner		38		
McKee	Voc			
		25722		

*This chart includes only the 110 registered high schools and none of the off-site programs or Auxiliary Services (GED).

The categories for Type of School are:

Blank = Academic/Comprehensive (may include programs requiring special application)

Voc = Vocational/Technical

Ed Op = Educational Option School requiring special application, required to serve students at all academic levels

Spec = Specialized high schools requiring special test or audition

Redesign = Schools recently closed and reopened with new programs and specific entry requirements

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Source: BESIS, 1984-85

- Only 57 high schools provide full and/or partial bilingual programs to any students. (See Appendix Table 6C.) Only three of these are vocational schools.

- Fifty-four high schools provide either no services for LEP students at all or serve fewer than 34 (the size of one class) CD or Lau students. Most of these schools provide ESL or partial bilingual programs for 10 to 20 students. Twenty-four of these schools provide absolutely no LEP services, and another six serve five or fewer entitled students.

High School Admissions

° LEP students have limited high school options, and especially limited access to vocational schools. LEP students are concentrated in the zoned high schools.

The skewed distribution of LEP students in the high schools raises some serious issues regarding the high school admissions process. It seems clear that LEP students applying for high school are steered toward the few schools that already have bilingual programs. In all but three cases this translates into the neighborhood academic/comprehensive school. LEP students are denied access to vocational and career programs. Students are forced to adapt their interests and choices to those programs which exist. Even LEP students who have excellent academic records do not receive the bilingual programs necessary to succeed in a chosen program. The abysmal showing of the high schools has led to an investigation by the Occupational Educational Civil Rights Coordinating Unit of the State Department of Education. A final letter of findings on the problem of access by LEP students to vocational and career programs was sent to the Board of Education on September 24, 1985. It confirms many of the findings of this report including: the concentration of LEP students in the zoned high schools; the lack of

opportunities in the vocational-technical and education options high schools; the lack of information about career training for junior high school LEP students; and other issues further documenting the lack of services and discrimination against LEP students in vocational programs.

Some steps have been taken to broaden the options available to LEP students. Unscreened vocational programs, i.e., those with no entrance criteria, have affirmative action programs for LEP students. Although seats for these programs are filled by a computerized random selection process, LEP students who apply are given preference. This occurs for 21 programs in seven high schools. Last year high schools were also told to admit 1/3 of eligible LEP students who applied to screened and educational option programs (those for which high schools establish entry criteria and select new entrants) during the second round of the admissions process. Regardless of the number of applicants, however, schools were not required to accept more than 40 LEP students. However, this requirement was poorly monitored and unevenly implemented (see Advocates for Children, "Public Schools, Private Admissions" to be released in late 1985). More important, both these efforts depend on LEP students taking the initiative to apply to special programs. Since there are very few bilingual guidance services in the middle schools, and the high school directory is available only in English, LEP students receive no assistance in the admissions process and no information on the opportunities. Thus, the idea that LEP students have real options in their choice of a high school program is an illusion.

Incomplete Data

- The Board of Education lacks complete information on one-fourth of LEP students mainly because schools have not submitted reports on them. Since schools receive additional funding for students receiving LEP services, it is highly unlikely these students are being served. The conclusions in this report regarding unserved students include this assumption.

Of the 113,831 entitled students, 29,195, or more than one-fourth are listed as "Incomplete" by BESIS. (See Table 20.) For about 7,000 of these cases, a BESIS survey form was returned, but

Table 20

SUMMARY OF PROGRAM PARTICIPATION
1984-85
(Appendix Tables 6A, 6B & 6C for details)

	Entitled Students	Full Bilingual	Partial Bilingual	ESL Only	No Program	Incomplete Surveys
Districts						
#	86,648	29,290	2,172	25,675	10,965	18,546
%	100.0%	33.8%	2.5%	29.6%	12.7%	21.4%
High Schools						
#	27,183	4,413	4,196	3,721	4,204	10,649
%	100.0%	16.2%	15.4%	13.7%	15.5%	39.2%
Total						
#	113,831	33,703	6,368	29,396	15,169	29,195
%	100.0%*	29.6%	5.6%	25.8%	13.3%	25.6%

* Error due to rounding

Source: BESIS, 1984-85

it did not include sufficient data to be entered into the system. Much more common, in about 23,000 cases, central computerized test scores indicate that a student is entitled to LEP services, but no

survey form was returned. Therefore, the Office of Bilingual Education assumes that these are entitled students. There may be better program participation than indicated by BESIS if students without survey forms or with incomplete forms are, in fact, receiving services. However, this is unlikely since Module 5B allocations and language handicapped units are based on the number of participating students identified through BESIS, so there is an incentive to identify students. Also, the number of personnel (see Chapter 4) tends to confirm that most of the "Incomplete" files are students who are not receiving services.

- Incomplete surveys are a much greater problem in the high schools than in the districts. 21.4 percent of district students have incomplete data, 39.2 percent of those in the high schools, most of whom fail to maintain their entitlement upon entry to high school or from grade to grade.

- Districts have anywhere from 103 to 1,653 students with incomplete surveys. The average is 580.

- From 16.5 percent to almost 30 percent of a district's entitled students have incomplete surveys. No distict has as serious a problem as the high schools.

- Only five districts are responsible for fewer than 200 incomplete surveys each.

- In 20 districts, more than 20 percent of the entitled students have incomplete surveys, in four districts the figure is more than 25 percent.

- Seven districts (less than one-fourth) account for 43.2 percent of the total of incomplete surveys, and the four districts with the biggest problem represent 28 percent of the total.

Including only the students for whom BESIS has complete data, there are 84,636 entitled students, 68,102 in the community school districts and 16,534 in the high schools.

Consent Decree versus Lau Plan

Three-quarters of LEP students speak Spanish, and programs for them are much more readily available. When students speaking other languages are widely dispersed, it is much more difficult to mount full bilingual programs for them.

BESIS distinguishes between those students covered by the Consent Decree and those protected by the Lau Plan. The distinction is important in examining program offerings. Spanish-speaking bilingual personnel are more readily available than those speaking other languages. Also, a district or high school with many so-called Lau students may have to develop programs in several languages, if there are 25 students in each language group. Or, it may not have to develop any programs if the students are widely distributed among the language groups, with no concentration in any one language. A district's provision of full bilingual services may be a function of the language the students speak. Therefore, it is important to distinguish between students entitled according to the Consent Decree and those covered by the Lau Plan. For simplicity, these students will be referred to as CD and Lau students. (See Table 18, page 85.)

- There are from just under 90 to more than 8,300 students entitled under the Consent Decree in any one district. The high school population of more than 16,800 CD students is twice as large as the largest single district register.
- On average, there are approximately 2,000 CD students per district.
- CD students represent from 17 percent to more than 99 percent of a district's total entitled population.
- On average, CD students represent 74.5 percent of all entitled youngsters in the districts, but only 61.9 percent of those in the high schools.

- Districts have from as few as nine to more than 3,000 Lau students with an average of 689.

- Proportionaely, Lau students represent from one percent to over 83 percent of a district's entitled population.

- The fewest number of CD students in a district (89) is a larger grouping than the Lau population in nine districts.

- The largest Lau population in a district would rank only seventh when compared with the CD populations. Only two districts have Lau populations larger than the average district CD register.

- Of the 64 high schools providing bilingual services and/or receiving special funds, 21 have a majority of Lau students, 43 have a majority of CD students, among them LEP students.

- Only three districts have proportionately more Lau students than the district average (74.5%) for CD students: two of these districts are relatively small; the third is distinctive, a large LEP population (7th largest citywide) that is more than three-fourths Lau students.

Full Bilingual/ESL Programs

° Despite the prescriptions of law, only a minority of LEP students receive full bilingual programs. In some districts, both large and small, there are so few bilingual programs that their commitment to bilingual education is called into serious question.

A full bilingual program consists of native language instruction, three subjects in the native language and ESL. Unless a parent declines, all LEP students are entitled to this full range of instruction. Table 20 (page 90) and Appendix Tables 6A, 6B and 6C reveal the following about those participating in a full program:

- Less than 30 percent (33,703) of all entitled students receive a full program as mandated.

- On average, 33.8 percent of entitled students in the districts receive a full bilingual program. Only 16.2 percent of high school students receive full services. Only eight districts perform less well proportionately than the high schools.

- If incomplete surveys are not considered, the district average improves to 43 percent; the high school rate increases to 26.7 percent.

- The number of students in a district participating in full bilingual programs represents the greatest range among districts of any category. From 0 to more than 5,200 students receive full services in any one district. The district with the largest number of students in full programs has more students receiving full programs than all of the high schools combined.

- In the districts, from 0 to 61 percent of entitled students receive full programs (this rises to over 75 percent if incomplete surveys are discounted).

- Only four districts account for 44.4 percent of all students in full bilingual programs.

- Availability of full bilingual programs does not appear to be a function of the size of the entitled population district-wide. Two of the five districts with the smallest LEP populations have more than 45 percent of them in full bilingual programs (significantly above average). Six of the eight districts with less than 10 percent of their entitled students in full programs have more than 1,000 entitled students. (These students may be dispersed among many schools, however.)

- Only 44 high schools offer full bilingual programs serving from one to 519 students, with an average of 89. These 44 schools include only two of 10 alternative schools, three of 20 vocational schools, and no Educational Option schools. (See Appendix Table 5.)

- In the 64 high schools that receive funding for and/or offer bilingual programs, almost 16 percent of entitled students are in full bilingual programs, only one school serves more than half of entitled students in a full program, only 14 serve more than 20 percent.

- There is a significant difference in participation in full bilingual programs between Lau and CD students in the districts. 42.4 percent of CD students are in full programs as compared to 8.5 percent of Lau students.

- There is not such a significant distinction in the high schools -- 17 percent of CD students are in full programs, as are 14 percent of Lau students.

- Even for CD students, no district provides a full program for more than 63 percent of their entitled students and no more than 38.1 percent of Lau students are served in full programs in any one district.

Partial Bilingual Programs

° Most students who are receiving bilingual instruction in less than three subjects are in high school, where one-fourth of entitled students are receiving only partial programs.

Partial bilingual programs include language arts instruction in a student's native language, bilingual instruction in at least one subject, plus ESL. Partial programs meet state guidelines and are eligible for Module 5B funding. However, they do not fully comply with the Consent Decree. Table 20 (p. 90) shows that such programs are rare in the districts, serving only 2.5 percent of entitled students in the districts mainly because students in elementary school remain with the same teacher all day. If there is a bilingual teacher, he or she will teach the full range of required subjects. Partial programs are more often found in high schools (see Appendix Table 6C), and to a lesser extent junior high schools, where students have several different teachers. Therefore, they may have only language arts and one other subject in their native language. According to the Office of Bilingual Education, since many high school students do not take a science and a math course every semester, they do not qualify for full program status.

- Only 5.6 percent (6,368) of all entitled students are in partial programs, 66 percent of them in the high schools.

- All of the districts have less than one-quarter of their students in partial programs and only seven have more than five percent.

- Partial programs are most prominent among districts with relatively small populations.

- There is no apparent difference between the prominence of partial programs in the districts for Lau and CD students.

- Excluding incomplete surveys, there are still only 3.2 percent of the district students in partial programs. The proportion of high school students rises to 25.4 percent.

- Almost as many high school students are in partial programs (4,196) as are in full programs (4,413). Full program participation is only 5% greater.

- Fifty-five high schools have partial programs (25% more than full programs). The additions are all zoned high schools.

- Partial programs in the high schools serve from one to 536 students with an average of 76.

- Eighteen high schools provide partial programs for more than 20 percent of their students, three for more than one-third.

- Adding partial and full programs together, the high schools perform almost as well as the districts (31.6% vs. 36.3% of students served).

- Partial programs are used more often for CD students than Lau students in the high schools. Ten schools provide partial programs for more than one-third of their CD students, 25 serve more than 20 percent. Only two schools provide partial programs for more than one-third of Lau students, only nine schools serve more than 20 percent this way.

English as a Second Language

° A quarter of entitled students receive ESL-only, the minimum legal program. The distribution is uneven and is apparently related to district size and distribution of students.

English-As-A-Second-Language is a crucial component of any bilingual program. In New York City, every limited-English-proficient student must receive, at a minimum, regular instruction by

qualified personnel in ESL. BESIS maintains three separate categories for students receiving only ESL services: Students who have been offered only ESL (generally because there are not enough students speaking the same language in contiguous grades to create a bilingual program or because of lack of trained personnel); students whose parents have declined bilingual services, referred to as withdrawing from bilingual programs (designated WESL); and students who have refused a transfer to another school with a full program (designated RESL). These three groups together account for almost 30,000 students or 25.8 percent of the entitled population (see Table 20, p. 90).

- ESL-only programs are more common in the districts than the high schools -- 87 percent of students receiving only ESL services are in district schools.

- 29.6 percent of entitled district students receive only ESL instruction compared to only 13.7 percent of high school students.

- ESL-only programs are almost as common as mandated full bilingual programs serving only 13 percent fewer students than full programs serve, and almost three-fourths as many students as full and partial programs combined.

- In the districts, the number of students receiving ESL only is more than 80 percent of the number participating in full and partial programs combined; in the high schools (where ESL only services are less prominent), the figure is reduced almost in half (to 43%). Full and partial high school programs outnumber ESL-only services two and one-half to one.

- If incomplete surveys are discounted, the proportion of entitled students receiving only ESL rises to 38 percent in the districts and 22.5 percent in the high schools.

- The number of students in a district receiving only ESL ranges from six to 2,351, with an average of more than 800. Only five districts provide limited services to less than 100 students each, while 11 districts offer only ESL to more than 1,000 students.

- The proportion of a district's entitled students receiving only ESL ranges from less than one-half percent to more than 80 percent.

- Five districts provide only ESL to less than 10 percent of their entitled students, but in another seven districts, ESL is the only service for more than 50 percent of their entitled population.

- The prominence of ESL services seems to be related to the number of Lau students in a district. In five of the seven districts using ESL as the most common program, the majority of entitled students are covered by the Lau plan. Citywide, although barely more than one-fifth of entitled CD students in the districts receive only ESL, more than half (56.9%) of Lau students do.

- In the high schools, the disparity is even greater, with only ESL provided to less than six percent of CD students but to more than a quarter (26.5%) of Lau students.

- The size of the entitled population also appears to be a factor to some extent. All seven districts providing only ESL to the majority of their entitled students rank in the bottom two-thirds according to size, five of them are in the bottom half. However, even without rigorous statistical tests to determine the exact correlation, it is clear that the size of the district population has an uneven effect. The distribution of students among schools and the size of the school's entitled population is probably more important.

Reasons for ESL-Only Programs

° Most students who are in ESL-only programs are there because no full program was offered, even if they were willing to transfer to another school, not because they didn't want bilingual services.

It is interesting to examine the reasons why students are receiving only ESL (Table 21). Is it as a result of the parent's decision or the school program? In the districts, almost two-thirds (65.7%) of the students receiving only ESL had no options. No option may be available to the student in one of several cases. No appropriate program may be available within the district because

Table 21

STUDENTS RECEIVING ESL-ONLY BY REASON
SUMMARY
(See Appendix 7 for details)

District	Total	WESL*	RESL*	ESL*
#	25,675	4,525	4,282	16,868
%	100.0%	17.6%	16.7%	65.7%
High Schools				
#	3,721	147	479	3,095
%	100.0%	4.0%	12.9%	83.2%
Total**				
#	29,396	4,672	4,761	19,963
%	100.0%	15.9%	16.2%	67.9%

* WESL = Withdrawn from full bilingual program/receives ESL-only
RESL = Rejected transfer/receives ESL-only
ESL = ESL-only/no option offered

** Errors due to rounding.

Source: BESIS, 1984-85

no bilingual staff is available in the language or there are not 25 children in two continguous grades within the district. These situations are more likely to occur in the case of Lau-entitled students. It is also possible that districts are not offering transfers or have made no attempt to consolidate students for a program. Of the rest, parents withdrew students from bilingual programs (17.6%) or rejected a transfer (16.7%) in almost equal proportions. In the high schools, more than four-fifths (83.2 percent) of students receiving only ESL were offered no option

by their current school, 12.9 percent had refused a transfer and only four percent were cases of withdrawing from a full bilingual program. The latter figure reflects the relative scarcity of full bilingual programs in high schools, so that of those students able to participate in full programs, fewer are likely to withdraw. Also, since there is an admissions process for the high schools, students who do not wish to participate in a bilingual program may apply to schools that offer no bilingual program.

- While two-thirds of students in the districts without full programs have no option, the proportion ranges from 3-99% by district. Most of those with high proportions have small entitled populations and probably have few, if any, transfer options. However, especially in the case of districts with larger entitled populations, these figures raise the question of whether districts attempt to develop full bilingual programs in a few schools and offer transfer options as Circular 2 advises.

- In total, 10.2 percent of entitled students in the districts (8,807 students) and 2.3 percent (626) of entitled high school students receive only ESL services as a result of a parent's option.

- It is almost twice as common for a CD student to receive only ESL services as for a Lau student (5.9% vs. 3.3% of total entitled student) as a result of a parent's option. Half of the districts have no Lau students who have been withdrawn from full bilingual programs and are receiving ESL. This is a reflection of the fact that there are far fewer full bilingual programs programs available to Lau students in the first place.

- It is just as likely for CD students and Lau students to be receiving only ESL because they have rejected a transfer (4.9% vs. 5.0% of total entitled students).

- It is slightly less common to reject a transfer than to withdraw from a program (4,282 versus 4,525 students in the districts). Students rejecting a transfer are less concentrated in specific districts -- in five districts more than half of ESL students had withdrawn from a full bilingual program, but no district had a majority of its students in ESL-only as a result of rejecting a transfer.

No Program Status

° The Board of Education acknowledges 15,000 entitled students who are not being served as legally required. This does not include the 29,000 with incomplete data. The problem is concentrated in a few districts, though no district achieves 100 percent compliance. A few students with no program status actually receive some services, but they are lacking one of the required components -- native language arts or ESL.

The most distressing data in BESIS are the number of students identified as entitled, but not participating in any program. (See Table 22.) Districts and high schools that fail to identify entitled students (as revealed by the number of incomplete surveys) are denying vital mandated services to students. A more blatant failure, however, is those cases where students are identified and still receive no services. The Board identifies a total of 15,169 students in one of the "No Program" categories. (The Board does not include those students with incomplete data in the No Program category.) The 15,000 identified students with no program represent 13.3 percent of all entitled students, 12.7 percent of district students and 15.5 percent of those in the high schools. If the incomplete surveys are discounted from the total entitled, students receiving no program represent 17.9 percent of the total citywide, more than one-fourth (25.4%) of the entitled high school students and almost one-sixth (16.1%) of the entitled students in the districts.

However, if we combine the cases of incomplete surveys with those students who have been identified for No Program Status,* there are a total of 44,364 entitled students whose legal rights and

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* As mentioned earlier, there is every reason to believe that students with incomplete surveys are not being served.

Table 22

STUDENTS WITH NO PROGRAM STATUS BY DISTRICT

District	# Students	Proportion of Total Entitled Students
11	5	.004
18	15	.014
25	20	.008
22	21	.011
14	31	.010
16	38	.083
7	48	.016
26	52	.099
5	100	.100
1	102	.049
28	113	.041
21	166	.091
13	195	.184
3	228	.152
8	259	.109
4	278	.183
23	290	.396
20	321	.089
31	321	.596
19	345	.083
29	364	.256
27	368	.261
10	385	.056
17	434	.177
9	520	.094
12	552	.192
15	555	.174
30	615	.139
6	840	.098
2	1008	.258
32	1049	.279
24	1322	.235
District Total	10960	
District Average	342	.126
High School	4204	.155

Source: BESIS, 1984-85

educational needs are being ignored by the school system. These students represent almost two-fifths (39.0%) of the entitled students citywide, more than a third (34.1%) of entitled students attending district schools, and more than half of entitled high school students (54.6%). Both incomplete surveys and No Program offerings are more common at the high school level. In addition, the large number of "no programs offered" in the high schools must be combined with the many high schools that have no LEP students at all. Only schools which accept LEP students and complete survey forms, thereby identifying their responsibilities to LEP students, can be included in any No Program categories.

- Districts fail to provide bilingual services to from five to 1,322 entitled students for an average of 342. Three districts fail to serve more than 1,000 students each. Seven districts account for more than half of the students with no program.

- The problem is not evenly distributed. Eight districts fail to serve fewer than 100 students each and eight districts provide no program to less than five percent of their entitled students. However, no district serves all entitled students.

- Overall, there are no evident trends relating to the student's native language. Interestingly, while it is more common for CD students than Lau students to receive no program in the high schools (16.9% all CD students vs. 13.2% of all Lau students), the reverse is true in the districts (11.8% of CD students vs. 15.1% of Lau students receive no program).

There are several reasons why a student may be identified for a No Program category according to mandates. (See Table 23.)

1) The student's bilingual program does not include native language arts (one of the critical components, along with ESL, identified in the Consent Decree).

2) The student is in a program that does not include ESL.

3) The student is receiving no services. There are three possible reasons for no services:

Table 23

SUMMARY OF NO PROGRAM CATEGORIES
(See Appendices 8 and 9 for details)

	(1+2+3+4+5)	(1)	(2)	(3)	(4)	(5)	(3+4+5)
	Total	Bilingual Program No Native Lang. Arts	Bilingual Program No ESL	Rejected Transfer No ESL	Withdrew from full Bilingual No ESL	No Services/ No Options	No Services At All
Districts							
#	10,965	995	795	979	1,475	6,721	9,175
%	100.0%*	9.1%	7.3%	8.9%	13.5%	61.3%	83.7%
High Schools							
#	4,204	1,184	559	117	65	2,279	2,461
%	100.0%	28.2%	13.3%	2.8%	1.5%	54.2%	58.5%
Total							
#	15,169	2,179	1,354	1,096	1,540	9,000	11,636
%	100.0%	14.4%	8.9%	7.2%	10.2%	59.3%	76.7%

* Error due to rounding

Source: BESIS

a) The student has withdrawn from a bilingual program, but is not receiving ESL.

b) The student has rejected a transfer to another school with a bilingual program, but is not receiving ESL.

c) The student is entitled to LEP services, there has been no parent option exercised, but he or she is not receiving any services.

The first two categories as described below reflect inadequate programs which do not meet the minimum requirements to ensure that students learn effectively. The final three categories describe a situation in which, simply put, no appropriate services are being provided.

1) No Native Language Arts

Of the 15,000 students with no program status, approximately 14 percent (2,179) are in bilingual programs without native language arts. (See Table 23.) These students receive subject area instruction in their native language plus ESL. However, without native language arts, they are not given the opportunity to preserve and increase their valuable language skills in their native language, nor are they likely to make as much progress as hoped in subject areas taught in their native language. According to the Consent Decree and Lau Plan, these programs fail to meet the mandates.

- Less than 1,000 students, fewer than 10 percent, of district students receiving no program are in this category.

- Again, as with partial bilingual programs, high school students who have different teachers for each class are more likely to have scheduled programs without a critical component. Bilingual subject class teachers are not able to teach native language arts without additional scheduled time, much easier to arrange in an elementary school setting. 28.2 percent of high school students with no program are in this category.

- The lack of native language arts is concentrated in a small number of districts. Twenty-four districts have fewer than 10 percent of their students without full programs in this category. Five districts have 100 or more students in this category. Interestingly, each of these districts serve more than 900 students in full bilingual programs.

2) No ESL

A second group of students receive native language instruction, but no ESL, no regular instruction in the English language. Again, while they are receiving some services, and will hopefully progress in subject areas in their native language, they will not be able to enter the mainstream nor achieve their potential. Such programs do

not meet service mandates. This category is a relatively small one, including 1,354 students citywide or 1.2 percent of all entitled students (see Table 23).

- Less than 800 students, seven percent of those receiving no program, attend district schools.
- Approximately 560 high school students, 13.3 percent of student with no program, are in this category.

- Only two districts have more than 100 students in this category, and these students represent more than 10 percent of entitled students without program in only eight districts.

- In more than half of the districts (18), less than five percent of students without programs fall into this category and six districts have no students in bilingual programs without ESL.

3) No Services

° The most deprived group of students are the almost 12,000 who receive no services at all, not even the minimum ESL. Most of these were never offered any service.

There are three groups of entitled students (among the Board's five No Program Status categories) who have been identified by their schools yet receive no services. These youngsters receive no regular instruction in ESL, no subject instruction in their native language and no instruction in native language arts. These students are left to fend for themselves in a foreign language school system. Two categories of these students with no services include those whose parents either withdrew them from a full bilingual program or rejected a transfer to another school. By law, these students still must receive ESL, but they do not. The third category, and the largest one, is those students who have not been offered any services, have exercised no option, and are not receiving any services. In total, these three categories represent 11,636

students, more than three-fourths (76.7%) of all students in no program categories, and more than one-tenth (10.2%) of all entitled students. (See Table 24.)

Table 24

STUDENTS RECEIVING NO SERVICES
(See Appendix Table 9 for details)

	# Receiving No Services	% of Total No Program Status	% of Total Entitled
Districts	9,175	83.7%	10.6%
High Schools	2,461	58.5	9.1
Total	11,636	76.7	10.2

These students represent more than four-fifths of district students without programs and more than one-tenth of entitled students in the districts. In the high schools, they also represent almost one-tenth of entitled students, and almost three-fifths of students in no program categories (due to the prevalence of students receiving no native language arts). (See Appendix Table 9.)

- Approximately 1,100 students who have rejected a transfer receive no ESL.
- On average, the districts provide ESL to 81.4 percent of students who reject a transfer. Four districts serve all of them, 11 districts serve more than 90 percent.
- A few districts have poor compliance in this area. Two districts deny ESL services to more than 100 students each, one serving fewer than two-fifths of the students and one serving none.
- Students who have withdrawn from a full bilingual program are more often denied ESL services than those who refuse a transfer. There are 50 percent more district students in the withdraw category. There are twice as many students in districts who receive no service after withdrawing from a full bilingual program as receive bilingual services without ESL.

- Districts provide ESL to 75 percent of students who withdraw from full programs, 11 districts serve more than 90 percent. However, three districts serve none, seven districts serve fewer than one-fifth.

- Since relatively fewer students withdraw from bilingual programs in the high schools, only 65 are not provided with ESL (1.5% of those not receiving a program).

- 77.3 percent of students without any services apparently have not been offered any options. They represent 59.3 percent of students with No Program Status. This is the case for 61.3 percent of district students with No Program (7.8 percent of all entitled students) and 54.2 percent of high school students with no program (8.4 percent of all entitled students).

Comparably Limited

° Until 1984, students who were severely deficient in both English and Spanish, perhaps the students with the most serious problems, received no bilingual or ESL services.

The number of entitled students in BESIS for 1984-85 includes approximately 3,000 Hispanic students who are "comparably limited." As explained in Chapter One, students whose native language is Spanish and score at or below the 20th percentile on the English LAB must be retested using a Spanish version of the LAB. Only students who score lower on the English LAB than on the Spanish test are technically entitled to services according to the Consent Decree. The second test is administered to establish that a student would indeed be able to learn more effectively in subject classes held in Spanish. This is the definition of the class of students who are covered by the court ruling under the federal Civil Rights Law.

The second test is important from a service perspective as well. Without a second test, the presumption would be that all language-minority students who have difficulty in basic skill areas and/or cannot master subject area material have the same problem --

limited English proficiency. However, some of these students may have other language disabilities that must be addressed before they can progress in either language. In such cases, bilingual/ESL programs are inadequate and fail to remedy the real problem.

However, the study by the Board of Education's Office of Educational Evaluation quoted in Chapter Two identified the serious problems of comparably-limited students who fail to progress and remain inadequately served. The data indicated that students with more serious problems may not be receiving appropriate services. Obviously an evaluation of each individual student is necessary to identify the specific difficulty. However, there are two hypotheses. First, school personnel have begun to report that older students who have had little or no formal education in their native countries are entering the New York City schools. These students require intensive literacy training before they can learn effectively in any language. A second concern is that a disproportionate number of comparably-limited students have been in an English-language school system for four or more years. These students may have arrived with Spanish skills appropriate to their age and grade, significantly better than their English proficiency. However, after several years, they have lost their proficiency in Spanish (as a result of inadequate Spanish language arts instruction), while at the same time, failing to achieve competence in English (again, because they have not received the necessary help). Ironically, they risk losing their entitlement to bilingual services not because they have gained adequate skills, but because they have been taught nothing.

In 1984, the Board of Education began to address this problem. Since the LAB is not given in any languages other than Spanish and English, Lau students do not risk losing services if they are comparably-limited. Also, if the State Commissioner's Regulations applied in New York City, Hispanic comparably-limited students would still be eligible for bilingual services. Clearly, the situation which denied services to the most needy Hispanic students was not supportable. For the 1984-85 school year, these students became eligible for services, though not by court order.

Unfortunately, the change in procedure has not been implemented adequately. As evident in Table 25, comparably-limited students receive bilingual services at a level which is significantly lower than the average for LEP students.

Table 25
Program Participation of
Comparably-Limited Students
vs. All LEP Students

Category	Number Comparably Limited	Percent of Total Comp.-Ltd.	Average Rate for all LEP Students
Entitled	3,002	100.0%	100.0%*
Full Bilingual	247	8.2	29.6
Partial Bilingual	84	2.8	5.6
ESL-Only	994	33.1	25.8
No Program	660	22.0	13.3
Incomplete	1,017	33.9	25.6

* Error due to rounding.

These students require immediate attention to their special needs. However, more than half (55.9%) are receiving no services. These youngsters are more than one and a half times more likely to

be in a No Program category than the average LEP student. It is one and a third times more likely that the school will fail to identify the student for entitlement resulting in an Incomplete survey. ESL-only services are more common for these students, but they have less than a third of the opportunity for a full or partial bilingual program as the average LEP student.

Chapter I/PSEN Programs

There is another area of program participation that is not covered by BESIS but deserves attention. As discussed in Chapter Three, LEP students are eligible for PSEN and Chapter I services. PSEN funds may be used for mandated instructional services and Chapter I funds are available to supplement ESL and remedial reading and math services.

Based on the directory prepared by the State Bureau of Bilingual Education, in 1983-84, 25,784 LEP students participated in PSEN and Chapter I services in the districts (see Appendix 10 for details). Unfortunately, there is no duplicated count for the high schools. Based on 1983-84 data from BESIS (which does not reflect incomplete surveys and is not as comprehensive as the 1984-85 data), certain trends are apparent. Almost 40 percent of LEP students receive PSEN or Chapter I services citywide. Districts target PSEN/Chapter I funds for anywhere from zero to 3,700 LEP students, representing from zero to almost 95 percent of a district's total LEP population. If Chapter I funds are being used in an appropriate, supplemental manner, this would mean that a significant proportion of students who are being served (disregarding incomplete surveys) are also receiving additional attention in remedial math and ESL.

Compliance and Monitoring

Monitoring by the city and state is minimal, so there is no assurance that compliance is as great as reported.

The preceding discussion was based on the data reported by BESIS. However, there are two problems that raise the question of whether the schools are even serving as large a proportion of LEP students as indicated.

First, there is only minimal monitoring of LEP services. The Office of Bilingual Education has a staff of only six people to conduct site visits to check compliance. One hundred schools were visited in 1984-85. That schedule, at best, translates into each school being monitored once every nine and a half years. The State Education Department exercises even less oversight. SED's New York City Office of the Bureau of Bilingual Education currently has four monitoring staff. During 1984-85, there were only two professionals, and they spent full-time reviewing LEP programs as part of the State re-registration of high schools.

However even without site visits, there is available information that can be reviewed. School profiles identify the number of LEP students by grade. These data can be used to identify schools that are failing to provide full programs. District plans provide even more information -- the data on staff by type of license and the funding information discussed earlier. OBE staff do review this information and note potential problems on the district profiles. Several quotes from their written comments underscore the possibility that compliance is even lower and services to entitled students less frequent than reported:

- The district must allocate adequate funds (e.g. PSEN [currently no PSEN funds allocated]) to reduce if not eliminate the 21 percent "No Program" rate;

- ESL instruction provided by paraprofessionals is not allowed;

- ESL instruction provided by general education teachers is not allowable;

- Although the district reported all entitled LEP students in mandated programs, the implementation of these programs, by and large, has been found in non-compliance and/or inappropriate in meeting the needs of LEP students ...The use of and reliance on Title VII and Chapter I funds for mandated programs as implemented by the district violate funding source requirements pertaining to "supplanting" ... there is no basic tax levy funding commitment for mandated bilingual/ESL programs.

Finally, in New York City, a student's score on the LAB is the standard for determining his or her entitlement to services. Unfortunately, there is no evidence that a student who scores above the 20th percentile on the LAB will be able to learn effectively in subject classes taught in English. Although many students enter the mainstream having significantly surpassed this level during their last year of bilingual/ESL services, many others lose their entitlement as a result of test scores that barely exceed the cut-off. In fact, as noted in Chapter Two, LEP students continue to trail behind their peers academically.

In 1975, the 20th percentile criteria was established by the court-appointed special master overseeing the implementation of the Consent Decree. The Board of Education had proposed the 10th percentile as the cutoff point. Judge Frankel responded,

"The Court is impressed that the 10% cutoff point, is presented here without anything fairly to be deemed a rational basis...if time permitted thorough and orderly

> development, the court might remand the problem to the Board for study, analysis and a better reasoned solution. But time is among the luxuries in shortest supply in this case...With such considerations in view, the court concludes that the cutoff point should be determined now, accepting the certain imperfection guaranteed by the array of uncertainities attending this decision.

Unfortuately, there has been no evaluation of the criteria as the judge suggested, no tracking of students' progress as they enter the mainstream, and no evaluation of program models except the longitudinal review just begun and still without results.

NOTES

1. Title VI, Civil Rights Act (1964); Title VII, Elementary and Secondary Education Act - The Bilingual Education Act (1968); Chapter I, Education and Consolidation Act (1981); Lau v. Nichols 414 U.S. 563 (January 1974); Section 3204, New York State Education Law; ASPIRA of New York Incorporated, et al. v. Board of Education of the City of New York, et al. CIV. 4002, Notice of Entry of Consent Decree (August 29, 1974).

2. Lau v. Nichols, op cit, p. 4.

3. Memorandum on Testing Procedures, ASPIRA of New York Incorporated, et al. v. Board of Education of the City of New York, et al., No. 72 CIV. 4002, 394 F. Supp. 1161, May 28, 1975.

4. Office for Civil Rights, U.S. Department of Health, Education, and Welfare, Memorandum, 1974.

5. Section 1, Chapter 304, New York Laws of 1968.

6. Section 1, Chapter 967, New York Laws of 1970.

7. Bilingual Education, A Statement of Policy and Proposed Action, New York State Regents, 1972.

8. ASPIRA v. Board of Education, op. cit.

9. Lau v. Nichols, op. cit., pp. 5-6.

10. Report of the New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, Manly Fleischmann, Chairman, The Viking Press, New York, 1973, Volume II, pp. 39-44.

11. Santiago, Isauro, ASPIRA versus Board of Education of the City of New York: A History, ASPIRA of New York, Inc., 1977, pp. 76-77.

12. Subdivision 22, Section 3602, New York State Education Law.

13. Office of Bilingual Education and Minority Language Affairs, The Condition of Bilingual Education in the Nation, 1984, U.S. Department of Education, 1984, pp. 10-11.

14. Development Associates, Inc. and Research Triangle Institute, The National Longitudinal Evaluation of the Effectiveness of Services for Language - Minority Limited English Proficient Students, Office of Planning, Budget, and Evaluation, U.S. Department of Education, December 1984, p. 39.

15. U.S. Department of Education, Office of Bilingual Education, op. cit., p. 12.

16. Development Associates, Inc., op. cit., p. 127.

17. Office of Student Information Services, School Profiles, New York City Board of Education, 1973-74 through 1983-84.

18. Daniel Goleman, "Bilingual Pupils Said to Have Edge," New York Times, August 25, 1985.

19. Commission on Special Education, Richard I. Beattie, Chairman, Special Education: A Call for Quality, New York City, April 1985.

20. Office of Student Information Services, op. cit.

21. ASPIRA of New York, Inc., Racial and Ethnic High School Dropout Rates in New York City, New York City, September 1983.

22. Office of Educational Evaluation, New York City Public Schools, An Educational Profile of Language - Minority Students in New York City Public Schools (Report #1), January 1984.

23. U.S. Department of Education, Office of Bilingual Education, op. cit., pp. 37-39.

24. Subdivision 22, Section 3602, New York State Education Law.

25. New York City Board of Education, Office of Bilingual Education Memorandum From John Acompare to Al Chase Re: 1983 - 1984 LEP Data, July 18, 1984.

26. Educational Priorities Panel, "Proposals for State Aid to Education, 1985-86."

27. James M. Gaughan and Richard V. Glasheen, Research Report of the Study of Special Pupil Needs, New York State Education Department for the New York State Task Force on Equity and Excellence in Education, March 1980.

28. Subdivision 22, Section 3602, New York State Education Law.

29. Gaughan, op. cit., p. 56.

30. Part 149, Commissioner's Regulations, New York State Education Department, "Instructional Programs for Pupils with Special Educational Needs," 149.2(b)(3).

31. New York City Board of Education Memorandum from Dr. Richard R. Gifford to Members of the Board of Education and Chancellor Re: Bilingual Education Tax Levy Allocation, 29 July 1974.

32. The Chancellor's Report Card, June 19, 1985, p. 15.

APPENDIX TABLES

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Appendix Table 1

FEDERAL CHAPTER I FUNDS USED FOR LEP SERVICES BY DISTRICT

District	FY1984 ECIA	FY1983 ECIA	FY1982 ECIA	FY1981 ECIA	FY1980 ECIA	Change 80-84	%
1	1157614	843630	1004100	716195	743380	414234	55.72
2	489255	495384	2361941	356494	286194	203061	70.95
3	645967	412740	633291	323924	491356	154611	31.47
4				135119	3203	-3203	-100.00
5	278741	362592	86331	299569	336736	-57995	-17.22
6	593676	1311382	859443	700000	672729	-79053	-11.75
7	1083025	1106525	1275720	1377934	1488965	-405940	-27.26
8	123212	471620	460534	247504	465963	-342751	-73.56
9	1637744	1412450	1933100	1136702	1829494	-191750	-10.48
10	2161414	1566003		594335	673222	1488192	221.06
11	33505		54426		41400	-7895	-19.07
12	93124	313469	143618	1348353	1137500	-1044376	-91.81
13	642392	524642	440776	368969	343934	298458	86.78
14	4324102	321268	387521	373764	465047	3859055	829.82
15					341069	-341069	-100.00
16	33000	423860		16343	10916	22084	202.31
17	1601750	1114618	1143695	903621	248522	1353228	544.51
18	90243	75738	72116	72785	61488	28755	46.77
19	1426096	1286074	714461	1160304	712332	713764	100.20
20	776122	678402	520840	546366	926931	-150809	-16.27
21					28962	-28962	-100.00
22	117206	53406			66545	50661	76.13
23		415323	30921	62300	46308	-46308	-100.00
24	49034	40468	109908	93690	247908	-198874	-80.22
25					138919	-138919	-100.00
26						0	
27	204102	170042	199379	134195	135666	68436	50.44
28	146306		14074			146306	
29	110435	70963	33289	26577	135666	-25231	-18.60
30					283009	-283009	-100.00
31						0	
32	1110863	1053440	329328	893754	496984	613879	123.52
Subtotal	18928928	14524039	12808812	11888797	12860348	6068580	47.19
Minimum	33000	40468	14074	16343	3203	29797	930.28
Maximum	4324102	1566003	2361941	1377934	1829494	2494608	136.36
Number	24	23	22	23	29	-5	-17.24
Average	788705.3	631480.0	582218.7	516904.2	443460.3	-1213716	-2.73692
OBE	1073966	966568		952255	2557714	-1483748	-58.01
DSE	348838			770770		348838	
HS	4688220	3285815	3378585	3058633	4451567	236653	5.32
Subtotal	25039952	18776422	16187397	16670455	19869629	5170323	26.02
NonPub	3540049	2694596		1734454	1472636	2067413	140.39
						0	
TOTAL	28580001	21471018	16187397	18404909	21342265	7237736	33.91

Source: "Directory of Educational Programs for Students of Limited English Proficiency in New York State," 1979-80 through 1983-84, Bureau of Bilingual Education, New York State Education Department

Appendix Table 2

STATE PSEN FUNDS USED FOR LEP SERVICES BY DISTRICT

District	FY1984 PSEN	FY1983 PSEN	FY1982 PSEN	FY1981 PSEN	FY1980 PSEN	Change 80-84	%
1				127070		0	
2	331509	74382	144419	145139	106580	224929	211.04
3					63948	-63948	-100.00
4					343903	-343903	-100.00
5			231735			0	
6	2665660	697943	231570		562851	2102809	373.60
7	203856					203856	
8	750977	191837	166262	104519		750977	
9	48727			238491	298500	-249773	-83.68
10	2149559	956812		546767		2149559	
11	89382			48720		89382	
12		62617	67530	399795		0	
13					167519	-167519	-100.00
14		258438	231521	207519	118790	-118790	-100.00
15	453145	300312	352034	467249		453145	
16		88801				0	
17						0	
18						0	
19			656956			0	
20	836165	567435	631260	528926		836165	
21	320023	233214	164453	155672		320023	
22	193213	72957	66519	92109		193213	
23	53357					53357	
24	604961	790546	479208	416495	141325	463636	328.06
25		158355	121211	118456		0	
26	57543					57543	
27						0	
28	211400	193321	276421	19300		211400	
29	55980		62969	101206	63689	-7709	-12.10
30	928805	954454	713292			928805	
31						0	
32					138919	-138919	-100.00
	9954262	5601424	4597360	3717433	2006024	7948238	396.22
Minimum	48727	62617	62969	19300	63689	-14962	-23.49
Maximum	2665660	956812	713292	546767	562851	2102809	373.60
Number	17	15	16	16	10	7	70.00
Average	585544.8	373428.3	287335	232339.6	200602.4	1135463.	5.660264
OBE						0	
DSE	125988	145243				125988	
HS	2995235	3999715	2254540	1292879	2516000	479235	19.05
Subtotal	13075485	9746382	6851900	5010312	4522024	8553461	189.15
NonPub						0	
						0	
TOTAL	13075485	9746382	6851900	5010312	4522024	8553461	189.15

Source: "Directory of Educational Programs for Students of Limited English Proficiency in New York State" 1979-80 through 1983-84, Education, New York State Education Department.

High School	Units	$ Per Entitled Student
Bronx		
Morris	2.00	173.79
Taft	1.20	77.22
Monroe	1.80	92.27
EChilds	0.60	62.67
Walton	1.60	82.15
fRoosevlt	3.60	98.56
Clinton	0.80	72.19
Stevenson	1.40	73.62
SBronx	1.00	83.33
JFK	3.20	105.29
Gompers	0.40	171.83
Lehman	0.00	0.00
Columbus	0.60	76.25
Addams	0.40	107.02
	18.60	
Manhattan		
SewardPk	5.00	105.46
Irving	0.80	87.77
Washingtn	5.00	113.89
Brandeis	4.00	110.01
Richman	0.40	49.59
King	0.60	81.70
ParkEast	0.20	69.32
ParkWest	1.40	99.77
FashInd	0.00	0.00
LoESideP	1.40	72.13
	18.80	
Queens		
Bowne	2.40	102.38
ForestHil	0.40	45.02
Bryant	3.00	136.16
LIC	0.80	57.82
Newtown	5.00	117.49
Flushing	1.40	85.23
FarRockwy	0.60	136.57
Jamaica	0.40	57.01
Adams	0.40	87.14
Cleveland	0.60	63.76
Jackson	0.40	72.62
Hillcrest	0.40	40.26
BeachChnl	0.00	0.00
Sprngfld	0.20	79.22
FLewis	0.40	135.56
RichmdHil	0.20	50.83

Appendix Table 3

LANGUAGE-HANDICAPPED FUNDING
FOR HIGH SCHOOLS
1984-85

High School	Total Units	$ Per Entitled Student
Brooklyn		
Lafayette	0.60	88.83
Lane	1.00	81.12
Madison	0.40	82.99
Jefferson	0.60	84.33
ProspctHt	0.80	183.46
NewUtrect	0.80	76.73
Boys/Girl	0.40	110.91
Jay	1.00	67.48
Erasmus	1.80	75.41
Wingate	1.20	81.33
EastrnDt	3.40	127.08
Bushwick	1.00	52.86
FtHamlton	0.80	50.00
Canarsie	0.00	0.00
FDR	1.40	78.78
SShore	0.80	114.55
Hale	1.20	101.95
Maxwell	0.40	100.83
Tilden	1.00	98.71
Lincoln	0.40	69.32
Midwood	0.40	85.31
Sheepshd	0.40	71.35
	19.80	
SI		
Curtis	0.20	110.91
Tottenvil	0.20	169.44
	0.40	
ASHS	3.00	
SpecProj	3.00	
TOTAL	80.2	

Source: Division of High Schools

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Appendix Table 4

BUDGET FOR BILINGUAL PROGRAMS
BUDGET AS MODIFIED

U/A			FY 1985		FY 1984		FY 1983		FY 1982		FY 1981		FY 1980		FY 1979		Change 79-85	
			#	$	#	$	#	$	#	$	#	$	#	$	#	$	#	$
201	Community	Tchr,Bilingual,FullTime	403	10571298	272	6842047	401	8844614	403	8016080	377	7103051	597	10581538	528	7960502	-125	2610796
	School	Tchr,Bilingual,PerSession		425364		236604								1330		37700		387656
	Districts	Guidance Cnslr,Bilingual	18	533495	16	510130	12	355269	12	313639	13	332629	16	337166	15	342330	3	191165
		Subtotal	421	11530157	288	7588781	413	9199883	415	8329719	390	7435680	613	10640034	543	8340540	-122	3189617
203	High	Bilingual Educatn	103	2429898	80	2282834	80	2024366	80	1962043	79	1843874	115	2045815	115	2197305	-12	232593
	Schools	Subtotal	103	2429898	80	2282834	80	2024366	80	1962043	79	1843874	115	2045815	115	2197305	-12	232593
211	Central	Office ofBiling Ed	31	758073	29	760572	28	701259	29	734950	26	662132	22	514825	27	515485	4	242588
	Admin PS																	
212	Central																	
	Adm OTPS	Office ofBiling Ed		51578		19355		26431		24297		33426		23890		48281		3297
		Subtotal	31	809651	29	779927	28	727690	29	759247	26	695558	22	538715	27	563766	4	245885
213	Reimbrsbl	Tchr,Bilingual,FullTime	124	3378167	93	1880471	194	3234643	249	4176835	201	3593906	124	2514809	142	2022828	-18	1355339
	Programs	Tchr,Bilingual,PerSession		54295				76890		74848		53361		6619		249040		-194745
		Tchr,Bilingual,PerSession		117113		88723				8513						24668		92445
		Scheduled:																
		Title VII		33534		617965		484247		3625		3905299		2644954		0		31534
		State Aid Bilingual		585355		342924		871191		503941		434110		385		128897		456458
		Subtotal	124	4168464	93	2930083	194	4669271	249	4767762	201	7986676	124	5166767	142	2425433	-18	1741031
		TOTAL	679	18938170	490	13581625	715	16621210	773	15818771	696	17961788	874	18391331	827	13527044	-148	5411126

Source: City of New York Executive Budget, Supporting Schedules, Fiscal Years 1980 through 1986

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Appendix Table 5
DISTRICT BILINGUAL PROGRAM STAFF BY FUNDING SOURCE

District	City Tax Levy	% Dist Total	Mod 5B	% Dist Total	Title VII	% Dist Total	Chap I	% Dist Total	PSEN	% Dist Total	Other	% Dist Total	TOTAL
1	24	30.77	8	10.26	13	16.67	33	42.31		0.00		0.00	78
2	65.5	55.51	6.5	5.51	6	5.08	19	16.10	19	16.10	2	1.69	118
3	97	69.78	4.5	3.24	8.5	6.12	27	19.42		0.00	2	1.44	139
4	122	91.04	8	5.97		0.00	2	1.49		0.00	2	1.49	134
5	26	54.17	2	4.17	3	6.25	17	35.42		0.00		0.00	48
6	262	83.97	20	6.41	3	0.96	21	6.73	6	1.92		0.00	312
7	130	61.90	8	3.81	2	0.95	66	31.43		0.00	4	1.90	210
8	69	61.88	6	5.38	5	4.48	18.5	16.59	13	11.66		0.00	111.5
9	213	79.48	14	5.22	4	1.49	37	13.81		0.00		0.00	268
10	132	51.56	10.5	4.10	6.5	2.54	53	20.70	50	19.53	4	1.56	256
11	53.8	59.12	4	4.40	6.4	7.03	12.5	13.74	14.3	15.71		0.00	91
12	106	82.81	6	4.69		0.00	16	12.50		0.00		0.00	128
13	26	49.06	2	3.77	3	5.66	20	37.74		0.00	2	3.77	53
14	40	57.97	14	20.29		0.00	9	13.04	6	8.70		0.00	69
15	64	64.00	10	10.00	14	14.00		0.00	12	12.00		0.00	100
16	14	58.33	1	4.17		0.00	9	37.50		0.00		0.00	24
17	78.5	73.36	4	3.74		0.00	24.5	22.90		0.00		0.00	107
18	0	0.00	3	13.64	17	77.27	2	9.09		0.00		0.00	22
19	120	71.86	16	9.58	6	3.59	25	14.97		0.00		0.00	167
20	43.75	42.89	12.75	12.50	3	2.94	21	20.59	18	17.65	3.5	3.43	102
21	.5	2.17	4.5	19.57	5	21.74	7	30.43	6	26.09		0.00	23
22	24	53.33	9	20.00		0.00		0.00	11	24.44	1	2.22	45
23	28	77.78	1	2.78	3	8.33		0.00		0.00	4	11.11	36
24	75	70.09	13	12.15		0.00	2	1.87	15	14.02	2	1.87	107
25	4	15.38	10	38.46		0.00		0.00	8.5	32.69	3.5	13.46	26
26	1.5	7.89	1	5.26	3	15.79	2	10.53	10.5	55.26	1	5.26	19
27		0.00	2	25.00	2	25.00	4	50.00		0.00		0.00	8
28	19	42.22	5.2	11.56	3.8	8.44	3	6.67	13	28.89	1	2.22	45
29	14.5	43.67	3	9.04	4.5	13.55	6	18.07	2	6.02	3.2	9.64	33.2
30	58	61.38	10	10.58	5.5	5.82		0.00	21	22.22		0.00	94.5
31	6	100.00		0.00		0.00		0.00		0.00		0.00	6
32	112	59.26	7	3.70	19	10.05	49.5	26.19	1.5	0.79		0.00	189
Total	2029.05	64.02	225.95	7.13	146.2	4.61	506	15.97	226.8	7.16	35.2	1.11	3169.2

Source: District Data Reports, 1984-85 Office of Bilingual Education

Appendix Table 6A

NUMBER OF ENTITLED STUDENTS BY DISTRICT AND PROGRAM

District	Total Entitled	Full Bilingual	Partial Bilingual	ESL Only	No Program	Incomplete Survey
16	459	219	24	75	38	103
26	527	0	0	366	52	109
31	539	0	0	85	321	133
23	733	164	52	70	290	157
5	998	454	79	180	100	185
13	1058	293	59	266	195	245
18	1093	38	227	606	15	207
11	1145	96	2	804	5	238
27	1408	85	100	515	368	340
29	1421	297	11	472	364	277
3	1500	871	27	100	228	274
4	1515	793	48	6	278	390
21	1821	82	6	1185	166	382
22	1835	2	1	1508	21	303
1	2086	674	5	804	102	501
8	2380	912	9	598	259	602
25	2427	103	3	1848	20	453
17	2455	592	82	910	434	437
28	2767	456	17	1539	113	642
12	2873	979	57	454	552	831
7	2935	1678	89	569	48	551
14	3024	1038	31	1040	31	884
15	3187	580	221	1038	555	793
20	3597	918	136	1591	321	631
32	3763	1738	22	61	1049	893
2	3901	927	7	1035	1008	924
19	4150	2058	158	728	345	861
30	4432	956	128	1769	615	964
9	5542	3025	186	666	520	1145
24	5618	1356	54	1772	1322	1114
10	6869	2669	141	2351	385	1323
6	8584	5237	190	664	840	1653
District Total	86642	29290	2172	25675	10960	18545
District Average	2708	915	68	802	342	580
High Schools	27183	4413	4196	3721	4204	10649

Source: BESIS, 1984-85

Appendix Table 6B

PROPORTION OF ENTITLED STUDENTS BY DISTRICT AND PROGRAM

District	Total Entitled	Full Bilingual	Partial Bilingual	ESL Only	No Program	Incomplete Survey
16	459	.477	.052	.163	.083	.224
26	527	0.000	0.000	.694	.099	.207
31	539	0.000	0.000	.158	.596	.247
23	733	.224	.071	.095	.396	.214
5	998	.455	.079	.180	.100	.185
13	1058	.277	.056	.251	.184	.232
18	1093	.035	.208	.554	.014	.189
11	1145	.084	.002	.702	.004	.208
27	1408	.060	.071	.366	.261	.241
29	1421	.209	.008	.332	.256	.195
3	1500	.581	.018	.067	.152	.183
4	1515	.523	.032	.004	.183	.257
21	1821	.045	.003	.651	.091	.210
22	1835	.001	.001	.822	.011	.165
1	2086	.323	.002	.385	.049	.240
8	2380	.383	.004	.251	.109	.253
25	2427	.042	.001	.761	.008	.187
17	2455	.241	.033	.371	.177	.178
28	2767	.165	.006	.556	.041	.232
12	2873	.341	.020	.158	.192	.289
7	2935	.572	.030	.194	.016	.188
14	3024	.343	.010	.344	.010	.292
15	3187	.182	.069	.326	.174	.249
20	3597	.255	.038	.442	.089	.175
32	3763	.462	.006	.016	.279	.237
2	3901	.238	.002	.265	.258	.237
19	4150	.496	.038	.175	.083	.207
30	4432	.216	.029	.399	.139	.218
9	5542	.546	.034	.120	.094	.207
24	5618	.241	.010	.315	.235	.198
10	6869	.389	.021	.342	.056	.193
6	8584	.610	.022	.077	.098	.193
istrict Total	86642					
strict Average	2708	.338	.025	.296	.126	.214
gh Schools		.162	.154	.137	.155	.392

urce: BESIS, 1984-85

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Appendix Table 6C

NUMBER AND PROPORTION OF ENTITLED HIGH SCHOOL STUDENTS
BY SCHOOL AND PROGRAM
(on 2 pages)

High Schl	Total Entitled	Total Full Bil	Full as % of Ent	Part Bil	Part as % of Ent	Full+Part % of Ent
Bronx						
Morris	351	83	23.65	73	20.80	44.44
Taft	474	155	32.70	41	8.65	41.35
Monroe	595	101	16.97	153	25.71	42.69
EChilds	292	38	13.01	64	21.92	34.93
Walton	594	96	16.16	127	21.38	37.54
TRoosevlt	1114	384	34.47	56	5.03	39.50
Clinton	338	16	4.73	54	15.98	20.71
Stevenson	580	91	15.69	49	8.45	24.14
SBronx	366	82	22.40	87	23.77	46.17
JFK	927	101	10.90	297	32.04	42.93
Gompers	71		0.00	26	36.62	36.62
Lehman	76		0.00	1	1.32	1.32
Columbus	240	1	0.42	14	5.83	6.25
Addams	114		0.00		0.00	0.00
Manhattan						
SewardPk	1446	519	35.89	440	30.43	66.32
Irving	278		0.00	29	10.43	10.43
Washingtn	1339	110	8.22	536	40.03	48.24
Brandeis	1109	46	4.15	127	11.45	15.60
Richman	246	1	0.41	81	32.93	33.33
King	224		0.00	3	1.34	1.34
ParkEast	88		0.00	19	21.59	21.59
ParkWest	428	103	24.07	77	17.99	42.06
FashInd	62	1	1.61	1	1.61	3.23
LoESideP	592	7	1.18	6	1.01	2.20
Queens						
Bowne	715	126	17.62	121	16.92	34.55
ForestHil	271		0.00	1	0.37	0.37
Bryant	672	150	22.32	87	12.95	35.27
LIC	422	1	0.24	127	30.09	30.33
Newtown	1298	205	15.79	322	24.81	40.60
Flushing	501	81	16.17	58	11.58	27.74
FarRockwy	134	1	0.75		0.00	0.75
Jamaica	214		0.00	30	14.02	14.02
Adams	140	31	22.14	33	23.57	45.71
Cleveland	287	17	5.92	54	18.82	24.74
Jackson	168		0.00	49	29.17	29.17
Hillcrest	303		0.00	29	9.57	9.57
BeachChnl	19		0.00	1	5.26	5.26
Sprngfld	77		0.00	11	14.29	14.29
FLewis	90	1	1.11		0.00	1.11
RichmdHil	120		0.00		0.00	0.00

Appendix Table 6C (cont'd.)

	Total Entitled	# Full Bilingual	% of Entitled	# Partial Bilingual	% of Entitled	Full + Partial as % of Entitled
Brooklyn						
Lafayette	206	1	0.49	3	1.46	1.94
Lane	376	66	17.55	41	10.90	28.46
Madison	147		0.00	40	27.21	27.21
Jefferson	217	11	5.07	15	6.91	11.98
ProspctHt	133	1	0.75	3	2.26	3.01
NewUtrect	318	1	0.31	135	42.45	42.77
Boys/Girl	110	1	0.91	1	0.91	1.82
Jay	452	62	13.72	86	19.03	32.74
Erasmus	728	500	68.68	77	10.58	79.26
Wingate	450	108	24.00	72	16.00	40.00
EastrnDt	816	201	24.63	70	8.58	33.21
Bushwick	577	90	15.60	50	8.67	24.26
FtHamlton	488	6	1.23	62	12.70	13.93
Canarsie	72		0.00	11	15.28	15.28
FDR	542	5	0.92	90	16.61	17.53
SShore	213	43	20.19	44	20.66	40.85
Hale	359	98	27.30	56	15.60	42.90
Maxwell	121	5	4.13	24	19.83	23.97
Tilden	309	154	49.84	25	8.09	57.93
Lincoln	176					
Midwood	143					
Sheepshed	171					
SI						
Curtis	55					
Tottenvil	36					
TotSer/Fd	24590	3901	15.86	4189	17.04	32.90

Source: BESIS, 1984-85

NOTE: This includes only registered high schools. Some students attend off-site programs or Auxiliary Services.

Appendix Table 7

PROPORTION OF STUDENTS RECEIVING ESL-ONLY BY REASON AND DISTRICT

District	Total	WESL*	RESL*	ESL*
1	804	.14	.51	.35
2	1035	.52	.07	.41
3	100	.78	.05	.17
4	6	.50	0.00	.50
5	180	.29	.02	.69
6	664	.22	.01	.77
7	569	.81	.10	.10
8	598	.06	.24	.70
9	666	.34	.05	.61
10	2351	.27	.14	.59
11	804	.05	.34	.61
12	454	.72	.01	.27
13	266	.10	.13	.77
14	1040	.50	.43	.07
15	1038	.21	.03	.76
16	75	.59	.39	.03
17	910	.05	.05	.90
18	606	0.00	.48	.52
19	728	.47	.14	.39
20	1591	.01	.04	.94
21	1185	.03	.27	.70
22	1508	0.00	.45	.55
23	70	.04	.06	.90
24	1772	.13	.06	.81
25	1848	.01	.14	.85
26	366	.00	.02	.98
27	515	.00	.00	.99
28	1539	.06	.08	.86
29	472	0.00	.03	.97
30	1769	.16	.20	.64
31	85	.02	0.00	.98
32	61	.11	.10	.79
District Total	25675			
District Average	802	.176	.167	.657
High Schools	3721	.040	.129	.832

Source: BESIS, 1984-85

* WESL = Withdrawn from full bilingual program/receives ESL only
  RESL = Rejected transfer/receives ESL only
  ESL = ESL only/no option offered

Appendix Table 8A

STUDENTS RECEIVING BILINGUAL SERVICES
WITHOUT NATIVE LANGUAGE ARTS

District	Students	Proportion of Total Entitled	Proportion of Total No Program
3	0	0.000	0.000
5	0	0.000	0.000
11	0	0.000	0.000
16	0	0.000	0.000
26	0	0.000	0.000
31	0	0.000	0.000
32	0	0.000	0.000
1	1	.000	.010
14	1	.000	.032
23	1	.001	.003
4	2	.001	.007
7	2	.001	.042
29	2	.001	.005
22	3	.002	.143
28	5	.002	.044
25	6	.002	.300
21	7	.004	.042
8	9	.004	.035
6	11	.001	.013
18	11	.010	.733
10	12	.002	.031
13	17	.016	.087
17	17	.007	.039
15	25	.008	.045
19	26	.006	.075
27	40	.028	.109
30	45	.010	.073
24	100	.018	.076
9	110	.020	.212
20	119	.033	.371
12	129	.045	.234
2	294	.075	.292
District Total	995		
District Average	31	.011	.091
High Schools	1184	.044	.282

Source: BESIS, 1984-85

Appendix Table 8B

STUDENTS RECEIVING BILINGUAL SERVICES
WITHOUT ESL

District	# Students	Proportion of Total Entitled	Proportion of Total No Program
16	0	0.000	0.000
11	0	0.000	0.000
18	0	0.000	0.000
22	0	0.000	0.000
25	0	0.000	0.000
26	0	0.000	0.000
7	1	.000	.021
21	1	.001	.006
27	1	.001	.003
28	2	.001	.018
31	2	.004	.006
13	3	.003	.015
30	4	.001	.007
29	4	.003	.011
5	8	.008	.080
10	9	.001	.023
1	14	.007	.137
3	15	.010	.066
9	16	.003	.031
23	17	.023	.059
20	18	.005	.056
14	18	.006	.581
2	29	.007	.029
19	41	.010	.119
24	43	.008	.033
15	46	.014	.087
4	51	.034	.183
12	63	.022	.114
6	75	.009	.089
17	91	.037	.210
8	108	.045	.417
32	115	.031	.110
District Total	795		
District Average	25	.009	.073
High Schools	559	.021	.133

Source: BESIS, 1984-85

Appendix Table 9A
STUDENTS REJECTING A TRANSFER

District	Students Not Receiving ESL			Students Receiving ESL
	# Students	Proportion of Total Entitled	Proportion of No Program	Proportion of Those Rejecting Transfer
9	0	0.000	0.000	1.000
11	0	0.000	0.000	1.000
14	1	.000	.032	.998
18	1	.001	.067	.997
26	1	.002	.019	.889
25	2	.001	.100	.993
20	3	.001	.009	.956
28	3	.001	.027	.977
22	4	.002	.190	.994
6	5	.001	.006	.615
12	5	.002	.009	.444
29	5	.004	.014	.722
31	5	.009	.016	0.000
23	12	.016	.041	.250
5	13	.013	.130	.188
16	17	.037	.447	.630
19	17	.004	.049	.858
10	18	.003	.047	.948
7	23	.008	.479	.705
13	24	.023	.123	.586
21	31	.017	.187	.911
1	33	.016	.324	.925
24	48	.009	.036	.694
8	55	.023	.212	.724
3	57	.038	.250	.081
27	57	.040	.155	.017
17	61	.025	.141	.425
15	64	.020	.115	.360
32	77	.020	.073	.072
30	85	.019	.138	.809
2	118	.030	.117	.389
4	133	.088	.478	0.000
District Total	978			
District Average	31	.011	.089	.814
High Schools	117	.004	.028	.804

Source: BESIS, 1984-85

Appendix Table 9B
STUDENTS WITHDRAWING FROM FULL BILINGUAL PROGRAM

District	Students Not Receiving ESL			Students Receiving ESL
	# Students	Proportion of Total Entitled	Proportion of No Program	Proportion of Those Withdrawing
18	0	0.000	0.000	*
21	0	0.000	0.000	1.000
29	0	0.000	0.000	*
31	0	0.000	0.000	1.000
14	1	.000	.032	.998
22	1	.001	.048	0.000
25	1	.000	.050	.929
26	1	.002	.019	.500
5	2	.002	.020	.964
11	2	.002	.400	.952
16	2	.004	.053	.957
28	4	.001	.035	.958
9	9	.002	.017	.962
7	10	.003	.208	.979
8	11	.005	.042	.761
17	12	.005	.028	.782
23	15	.020	.052	.167
27	18	.013	.049	.100
4	28	.018	.101	.097
20	28	.008	.087	.451
10	38	.006	.099	.944
1	39	.019	.382	.747
13	39	.037	.200	.400
15	49	.015	.088	.813
19	81	.020	.235	.809
3	99	.066	.434	.441
24	101	.018	.076	.687
6	133	.015	.158	.522
12	144	.050	.261	.694
32	161	.043	.153	.042
30	175	.039	.285	.615
2	270	.069	.268	.666
District Total	1474			
District Average	46	.017	.134	.754
High Schools	65	.002	.015	.693

Source: BESIS, 1984-85

* There are no students withdrawing from full bilingual programs.

Appendix Table 9C

NUMBER AND PROPORTION OF
STUDENTS RECEIVING NO SERVICES AND NO OPTIONS

District	# Students	Proportion of Total Entitled	Proportion of Total No Program
11	3	.003	.600
18	3	.003	.200
14	10	.003	.323
25	11	.005	.550
7	12	.004	.250
22	13	.007	.619
1	15	.007	.147
16	19	.041	.500
26	50	.095	.962
3	57	.038	.250
4	64	.042	.230
8	76	.032	.293
5	77	.077	.770
28	99	.036	.876
13	112	.106	.574
21	127	.070	.765
20	153	.043	.477
19	180	.043	.522
12	211	.073	.382
23	245	.334	.845
27	252	.179	.685
17	253	.103	.583
2	297	.076	.295
30	306	.069	.498
10	308	.045	.800
31	314	.583	.978
29	353	.248	.970
15	371	.116	.668
9	385	.069	.740
6	616	.072	.733
32	696	.185	.663
24	1030	.183	.779
District Total	6718		
District Average	210	.078	.613
High Schools	2279	.084	.542

Source: BESIS, 1984-85

Appendix Table 10

PARTICIPATION OF LEP STUDENTS IN REMEDIAL PROGRAMS
1983-84

District	FY84 Combined Ch1&PSEN Pupils*	% of Total Served
1	1065	63.02
2	319	9.53
3	686	59.55
4		0.00
5	200	33.17
6	2440	35.73
7	1486	62.73
8	1189	62.88
9	1350	34.00
10	3772	80.46
11	244	32.28
12	128	5.63
13	810	94.96
14	550	22.79
15	520	20.46
16	230	68.86
17	1561	75.08
18	195	22.73
19	1125	38.47
20	1754	59.24
21	517	37.01
22	438	31.90
23	300	58.14
24	1045	23.89
25		0.00
26	217	58.02
27	640	66.46
28	568	25.88
29	240	25.21
30	915	28.15
31		0.00
32	1280	53.62
Subtotal	25784	39.06

Source: "Directory of Bilingual Education Programs in New York State," Bureau of Bilingual Education, New York State Education Department.

Appendix A

EFFECT ON STATE OPERATING AID OF INCLUDING LEP STUDENTS IN THE WEALTH MEASURE

Boro	Manhattan	Bronx	Brooklyn	Queens	Staten Is	TOTAL
FullValue	3.492E10	7.3708E9	1.929E10	2.622E10	6.4023E9	
Adj Gross Income	1.662E10	5.8756E9	1.318E10	1.453E10	3.1428E9	
TWPU	162577	214281	368090	250337	56824	1054940
LEP Students	25445	28288	34909	24471	718	113831
.12 Weighting	3053	3395	4189	2937	86	13660
NewTWPU	165630	217676	372279	253274	56910	1068600
FullValue/TWPU	210818	33861	51822	103537	112498	
AdjGrossInc/TWPU	100336	26992	35405	57360	55224	
TAPU Pay	142947	189729	325073	225044	52544	935337
Combined Wealth Ratio	2.180816	.4652538	.6496173	1.156484	1.181514	
Operating Aid	-.395722	.7022376	.5842449	.2598503	.2438312	
Operating Aid Ratio	FlatGrant	.702	.584	.26	.244	
New Total	15009435	4.0623E8	5.7902E8	1.7846E8	39103245	1.2178E9
Old Total	15009435	4.0449E8	5.7605E8	1.7297E8	39103244	1.2076E9
Increase	0	1736021.	2974419.	5491074	.8	10201514

Source: State of New York, 1985-86 State Aid Projections, 4/3/85

NOTE: These calculations do not include recent updates to the projections. LEP aid itself would also increase as a result of Operating Aid increases, but this is not reflected. Finally, LEP pupil counts reflect total entitled students.